

File 12/18/92

DEC 18 1992

17 December 1992

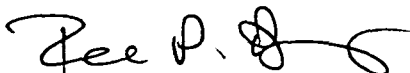
Board of Selectmen
Town Hall
Acton, MA 01720

Dear Board Member:

It was my intention to write to the Board and express my appreciation for your decision to reduce the property tax shift for FY 1993. Then, along came the Finance Committee's request for reconsideration of your decision. As a result, the content of this "thank you" letter required some changes. The action by the Finance Committee seems ill timed and not carefully thought out. Enclosed is a copy of my letter to the Finance Committee which offers comments on the study conducted by Mr. Peters. Perhaps this information will also be helpful to you.

Your decision not to reconsider was justified. Again, thank you for moving in the direction of a more equitable property tax treatment in Acton.

Sincerely,



Raymond P. Bintliff
2 Powder Horn Lane
Acton, MA 01720

COPY

10 December 1992

Arthur Harrigan, Chairman
Finance Committee
Town Hall
Acton, MA 01720

Dear Mr. Harrigan:

The following information is provided in response to the study of tax classification prepared by Joseph Peters.

First, I must thank Mr. Peters for his candid responses during our telephone conversation. However, I believe that his report does not cover fully some aspects of the complex matter of property tax classification.

He has chosen to present his case in terms of Minimum Residential Factor and the Residential Factor choices available to the Selectmen. The effects of tax classification can be judged more easily if the comparisons are made between a Single Tax Rate and the Tax Shift options available to the Board of Selectmen. In fact, Tax Shifts (as percentages) are used in the Assessors' presentations and are probably more familiar to the Selectmen. The following table is based on his Table I to which a "Percentage Tax Shift Column" has been added as an aid to understanding the relationship between "Residential Factors" and "Percentage Shift."

EFFECTS OF TAX SHIFTING ON RESIDENTIAL PROPERTY
INCLUDING RELATIONSHIP OF TAX SHIFT & RESIDENTIAL FACTOR

TAX SHIFT TO C/I	RESIDENT'L FACTOR	TAX RATE	AVERAGE VALUE	TAX BILL
10%	97.4	\$12.32	\$250K	\$3080
50%	86.8	\$10.98	\$250K	\$2745
SINGLE RATE	100	\$12.65	\$250K	\$3163

While his Table I illustrates the tax savings that could be granted to residential property owners, it fails to show the adverse impact on commercial and industrial property taxes in terms of average property values. Let's make a similar comparison for C/I properties. In FY 91, the Assessors estimated the average value of C/I properties to be \$655,600 and that figure will be used as the basis for our calculations.

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EFFECTS OF TAX SHIFTING ON COMMERCIAL/INDUSTRIAL PROPERTY

TAX SHIFT TO COMM/INDUST	AVERAGE VALUE	TAX RATE	AVERAGE TAX BILL
10%	\$655.6K	\$13.90	\$9,113
50%	\$655.6K	\$18.95	\$12,424
Single Rate	\$655.6K	\$12.65	\$8,293

As compared to a single tax rate, a 50% tax shift would increase the average C/I tax bill by \$4,131, while the average residential tax bill would decrease by only \$418.

This significant shift of taxes to businesses can hardly be considered equitable.

Mr. Peters has interpreted the use of the MRF as the state's "fairness test." However, the DOR-generated MRF represents the minimum tax load that can be assigned to the residential classes of property and the MRF should not be considered as a preferred or recommended value.

The examples of how neighboring towns apply split tax rates to benefit the residential owners are misleading. The towns of Boxborough, Westford and Stow which did not utilize split tax rates in 1991 are omitted from the list. So, not all neighboring towns "sock it to business."

The report also confuses the relationship between income taxes and property taxes. Mr. Peters argues that because businesses can take certain income tax deductions, they are fair game for property tax penalties. This argument does not seem logical. I would be interested in learning the source of the report's opinion that "The classification system is designed to equalize the burden between income-producing properties and non-income-producing properties recognizing that businesses depreciate property --."

Certainly, the analyses for FY 91 are useful examples, but the FY 93 statistics which appear in the report's Exhibit A seem more pertinent. That exhibit indicates that a 50% tax shift (87.1515 MRF) would increase the C/I tax by \$2.554 million to about \$7.7 million. Not an insignificant increase. Although not part of Mr. Peters' report, an opinion column in the Middlesex news stated that "Peters points out that the difference of \$2 million or more could make a substantial dent -if not completely finance- a proposed override of Proposition 2 1/2." I hope that FinCom members do not believe that one. Property tax classification can only shift the tax load

COPY

between property classes and can never raise additional tax revenue.

Although the report does not make a specific recommendation for the use of a 50% tax shift (MRF), the examples clearly steer the reader in that direction and imply that it is the appropriate degree of shift.

It may be worth repeating that property taxes in Massachusetts are based on value and that a single tax rate is the norm, not an aberration. Because Acton businesses have been paying an additional 10% in property taxes, the Selectmen's decision to lighten that load to a 7.5% burden in FY 93 was sensible, particularly in light of present business conditions.

There are many other reasons for minimizing the tax shift to business. Most of which have been aired at annual tax classification hearings.

My overall impression is that the report falls short of objectivity. I hope that this letter will provide some balance and enable members of your committee to develop a better understanding of this complex issue.

Sincerely,

Raymond P. Bintliff
2 Powder Horn Lane
Acton, MA 01720



Metropolitan Area Planning Council

60 Temple Place, Boston, Massachusetts 02111 617/451-2770

Serving 101 cities and towns in metropolitan Boston

DEC 14 1992

December 11, 1992

TO: Chief Elected Officials
FR: Marjorie A. Davis, President
RE: Amendments to 1993-95 TIP

Enclosed are copies of the materials we received at the December 11, 1992 meeting on the 1993-95 Transportation Improvement Program. The Executive Committee of MAPC is scheduled to vote on these amendments on December 16, 1992. Written and oral comments and concerns need to be transmitted to our office by 5 P.M. on December 14, 1992. Our fax number is (617) 482-7185.

MAD/lab
Enclosure

cc: MAPC Representatives
Local TIP Coordinators

CC: BOS -

12/18

WE ARE ADVISED THAT
THESE ARE SIMPLY CHANGES
IN THE TIP. OUR RT. 27 BRIDGE
IS STILL SUPPOSED TO BE ON
THE ORIGINAL TIP.

[Signature]

Marjorie A. Davis, *President*

Edmund P. Tarallo, *Vice-President*

Richard A. Easler, *Secretary*

Marylou Batt, *Treasurer*

David C. Soule, *Executive Director*

FFY 93

BRIDGES

Project Name	Former Amount	New Amount	Action	Source
Beverly/Salem/ Rte 1a	\$14,000,000	\$28,000,000	combined 93 and 94	1
Chelsea/ Bellingham St	\$0	\$960,000	moved from 94	1
Natick/ N. Main St	\$800,000	\$0	moved to 94	1
Wilmington /Rte 62	\$960,000	\$0	moved to 94	1
Ipswich/Labor in Vain	\$410,400	\$0	moved to 94	1
Boston/Summer St				1
Conrail	\$400,000	\$0	advertised in 92	1
A St.	\$800,000	\$0	"	1
Fort Pt. Channel	\$2,400,000	\$0	delete	3
Framingham/Concord St.	\$600,000	\$0	advertised in 92	1
Franklin/Rte 140/RR	\$640,000	\$0	delete	3
Salem/March St.	\$1,571,200	\$0	"	1
Gloucester/Annisquam	\$0	\$480,000	add	1
Marshfield/Scituate	\$0	\$640,000	"	1
Medford/Roosevelt Circle	\$0	\$640,000	"	1
Wilmington/West St.	\$0	\$0	(see footnote A)	3
Wellesley/Kingsbury St	\$800,000	\$0	delete	3
Natick/Cochituate St	\$450,400	\$0	"	3
Wellesley/Weston Rd	\$800,000	\$0	"	3
Stoneham/Rte 28	\$800,000	\$0	"	3
Central Artery				
Con/Des/ROW	\$76,000,800	\$62,400,000	revised numbers	1
Statewide Inspection	\$0	\$800,000	add	1
Statewide Off-system	\$0	\$600,000	"	1
Statewide Engineering	\$0	\$1,600,000	"	1
Statewide ROW	\$0	\$96,000	"	1

CMAQ

Project Name	Former Amount	New Amount	Action	Source
Danvers/High St.	\$960,000	\$0	delete	3
Randolph/5 locs	\$800,000	\$0	"	3
Statewide Engineering	\$0	\$80,000	add	1
Statewide ROW	\$0	\$400,000	"	1

IM

Project Name	Former Amount	New Amount	Action	Source
Norwood/Canton/I-95	\$4,000,000	\$0	moved to 94	1
Marlboro/Hudson/I-495	\$0	\$4,800,000	add	1
Wellesley/Rte 128, 9	\$0	\$2,400,000	add	1
Woburn/Wilmington/I-93	\$0	\$3,600,000	project segmented	1
Medford/Tewksbury/I-93	\$15,000,000	\$3,200,000	project segmented	1
Statewide Engineering	\$0	\$64,000	add	1
Statewide Bridge Decks	\$0	\$1,200,000	"	1
Statewide Infrastructure	\$0	\$960,000	"	1

STP

Project Name	Former Amount	New Amount	Action	Source

Quincy/Braintree				
Willard St.	\$1,040,000	\$0	delete	3
Marshfield/Rte 3A	\$0	\$1,600,000	add	1
Marlboro/Maple St	\$400,000	\$0	delete	3
Randolph/ Rte 28	\$400,000	\$0	"	3
Statewide Engineering	\$0	\$160,000	add	1
Statewide Resurfacing	\$0	\$960,000	"	1
Statewide Infrastructure	\$0	\$400,000	"	1
Statewide Electric Vehicle	\$0	\$2,128,000	"	1
Old Colony Restoration	\$0	\$10,000,000	"	3

MHS

Project Name	Former Amount	New Amount	Action	Source

Boston/Columbia Rd	\$0	\$2,504,000	add	1
Central Artery*				1
Con/Des/ROW	\$114,000,200	\$93,600,000	numbers revised	1
Statewide Resurfacing	\$0	\$1,600,000	add	1
Statewide Bridge Decks	\$0	\$1,200,000	"	1
Statewide Infrastructure	\$0	\$1,200,000	"	1

URBAN SYSTEMS

Project Name	Former Amount	New Amount	Action	

Brookline/3 locations	\$0	\$240,000	add	1
ROW				
Quincy/Braintree/ Willard St.	\$0	\$280,000	add	1
SECTION 9 Operating	\$0	\$18,207,518	add	2
SECTION 3 rail modernization	\$21,040,000	\$47,581,448	revised numbers	2
new start	\$49,520,000	\$37,963,125	"	2

FFY 94

BRIDGE

Project Name	Former Amount	New Amount	Action	Source
Beverly/Salem/ Rte 1a	\$14,000,000	\$0	combined	1
Chelsea/Bellingam St.	\$1,200,000	\$0	moved to 93	1
Ipswich/Labor in Vain	\$0	\$410,400	moved from 93	1
Mattick/W. Main St.	\$0	\$800,000	"	1
Wilmington/Rte 62	\$0	\$960,000	"	1
Norwood/Canton/I-95	\$0	\$4,000,000	"	1
Dedham/Rte 1	\$1,200,000	\$0	delete	1
Needham/Kendrick St.	\$3,760,000	\$0	"	1
Needham/RR	\$1,520,000	\$0	"	1
Boston/Babson St.	\$0	\$800,000	add to 93	1
Boston/Ipswich St.	\$0	\$600,000	"	1
Dedham/Mill Lane	\$0	\$400,000	"	1
Dover/Dover Rd	\$0	\$640,000	"	1
Dover/Bridge St.	\$0	\$720,000	"	1
Wakefield/Meriam St.	\$0	\$320,000	"	1
Wellesley/Rockland St.	\$0	\$400,000	"	1
Central Artery				1
Con/Des/ROW	\$48,000,800	\$22,800,000	numbers revised	1
Boston/Milton				
Adams St	\$1,600,000	\$0	delete	3
Waltham/Weston				
South St.	\$640,000	\$0	delete	3
Quincy/Rte 3A				
over town river	\$500,000	\$0	delete	3
Boston/Park St/Conrail	\$640,000	\$0	delete	3
Medford/Webster St/I-93	\$640,000	\$0	delete	3
Dedham/Rte 7/Williams	\$640,000	\$0	delete	3
Weymouth/Columbian Rd/RR	\$600,000	\$0	delete	3
Saugus/Hamilton St/river	\$136,000	\$0	delete	3
Wakefield/Merriam St/MBTA	\$320,000	\$0	delete	3
Wellesley/Crest/Conrail	\$512,000	\$0	delete	3
Wellesley/Rockland/RR	\$400,000	\$0	delete	3
Lexington/Rte 2A/RR	\$640,000	\$0	delete	3

CHAO

Project Name	Former Amount	New Amount	Action	Source
Boston/Congress Pedestrian Br	1600000	0	delete	3

INTERSTATE TRANSFER

Boston/Washington St.	\$3,200,000	\$0	moved to 93	1
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STP

Project Name	Former Amount	New Amount	Action	Source
Quincy/Braintree/ Willard St.	\$1,040,000	\$0	moved to 93	1
Reading/Rte 28/Washington	\$160,000	\$0	delete	3
Andover Grade Crossings	\$120,000	\$0	"	3
Wilmington Grade Crossings	\$120,000	\$0	"	3
Old Colony Restoration	\$0	\$10,000,000	add	3

NHS

Central Artery Con/Des/ROW	\$72,000,200	\$72,000,000	numbers revised	1
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Proposed TIP Amendments in Total Federal Dollars Boston Metropolitan Region

FFY 95

BRIDGE

Project Name	Former Amount	New Amount	Action	Source
Westwood/Blue Hill/RR	\$1,120,000	\$0	delete	3
Boston/Sullivan Sq	\$4,000,000	\$0	"	3
Central Artery*				
Con/Des/ROW	\$52,000,000	\$52,000,000	numbers revised	1

CHAQ

Project Name	Former Amount	New Amount	Action	Source
Boston/Northern Ave	\$1,600,000	\$0	delete	3
Braintree/Elm/Adams	\$800,000	\$0	"	3
Middleton/Rte 62	\$1,600,000	\$0	"	3

STP

Project Name	Former Amount	New Amount	Action	
Norwood/Grade Crossings	\$120,000	\$0	delete	3
Sherborn/Main St	\$1,040,000	\$0	"	3
Old Colony Restoration	\$0	\$10,000,000	add	3

NHS

Canton-Wellesley*	\$28,000,000	\$0	project delayed	1
Central Artery				
Con/Des/ROW	\$78,000,000	\$50,250,000	numbers revised	1

- 1) MHD Proposed Amendment 10/24/92
- 2) MBTA Proposed Amendment 11/2/92
- 3) Combined MHD/MBTA Amendment 12/11/92

A) \$800,000 project was to have been added as part of amendment 1,
deleted as part of 3

CDM

environmental engineers, scientists,
planners, & management consultants

CC BOS - COVER LTR.

FULL REPORT IN

RF/RETAIN

CAMP DRESSER & MCKEE INC.

Ten Cambridge Center
Cambridge, Massachusetts 02142
617 252-8000

December 1, 1992

Ms. Lynne Jennings
U.S. Environmental Protection Agency
Waste Management Division
Region I, 90 Canal Street
Boston, MA 02114

and

Mr. Edmond G. Benoit
Regional Engineer
Bureau of Waste Cleanup
Massachusetts Department of
Environmental Protection
75 Grove Street
Worcester, MA 01605

DEC - 4 1992

Subject: W.R. Grace & Co., Acton, Massachusetts

Dear Ms. Jennings and Mr. Benoit:

On behalf of W.R. Grace & Co., Camp Dresser & McKee Inc. (CDM) hereby submits, for your review, the Blowdown Pit Investigation Data Report and Related Computations.

Very truly yours,

CAMP DRESSER & MCKEE INC.

Bruce R. Conklin

Bruce R. Conklin, P.E.
Associate

BRC:paa

#798-115-RT-REPT

Enc.

DISTRIBUTION:

Lynne Jennings (6)
Edmond Benoit (2)

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J. Swallow, Pine & Swallow (1)
B. Leach, Concord Board of Health (1)
W. Cheeseman, FHE (1)
D. Johnson, Acton (1)

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H. Fox, Sierra Club (1)
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R. Eisengrein, ACES Tag Mgr. (1)



environmental engineers, scientists,
planners, & management consultants

CAMP DRESSER & MCKEE INC.

Ten Cambridge Center
Cambridge, Massachusetts 02142
617 252-8000

December 11, 1992

Ms. Lynne Jennings
U. S. Environmental Protection Agency
Waste Management Division
Region I
90 Canal Street
Boston, Massachusetts 02114

Mr. Edmond G. Benoit
Regional Engineer
Bureau of Waste Cleanup
Massachusetts Department of
Environmental Protection
75 Grove Street
Worcester, Massachusetts 01605

Subject: W. R. Grace Acton - Aquifer Restoration
22nd Progress Report on Aquifer Restoration System Operation

Dear Ms. Jennings and Mr. Benoit:

On behalf of W. R. Grace, Camp Dresser & McKee Inc. (CDM) hereby submits, for your review, the "22nd Progress Report on Aquifer Restoration System Operation", November, 1992.

Please call if you have any questions:

Very truly yours,

CAMP DRESSER & MCKEE INC.

Bruce R. Conklin

Bruce R. Conklin, P.E.
Project Director

BRC:paa

Enc.

#798-105-RT-REPT

DISTRIBUTION:

Lynne Jennings - 2 copies
Edmond Benoit - 3 copies

cc: M. Hohman, USEPA
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H. Fox, Sierra Club
R. Wilkey, W. R. Grace
M. Stoler, W. R. Grace
W. Cheeseman, Attorney
R. Williams, Agway

R. Kimball, Mass. DEP
D. Halley, Acton
S. Anderson, Attorney
N. Palmer, W. R. Grace
D. Kronenberg, W. R. Grace (4)
R. Eisengrein, ACES

CC: BOS - COVER LTR ONLY
FULL REPORT IN RF/RETAIN

CHRIS - WE REC'D 4 COPIES OF
REPORT. PLS. SEND 1 COPY TO
LIBRARY & 2 COPIES TO D. HALLEY.

Wm

Volunteer Coordinating Committee - November 23, 1992

Present: Whitcomb, Comstock, George, Husbands, Kadlec, Powers, and Lane

Meeting was called to order at 7:30 pm at Acton Town Hall by Nancy Whitcomb.

Minutes of November 9, 1992 were approved as written.

Interviews: Interviews were conducted for persons interested in appointments by the Board of Selectman to the Planning Board and the Board of Assessors.

Faith Erickson - Currently she is a financial consultant with Digital Equipment Corporation. She has lived in Acton for the 28 years and in Massachusetts for the 31 years. She recently moved back to Acton from Florida. Although her professional interest are in the financial area she had a concentration in City Planning in her undergraduate studies at the University of Connecticut. With her return to Acton she would like to become active in volunteering to help shape Acton's future. As she has always had an interest in planning she answered the current posting for a position on the Planning Board. The VCC reviewed the extensive time commitment sometimes associated with Planning Board activities with her. She indicated that this commitment level was not a problem. She indicated that she was not familiar with the working structure and duties of the Planning Board or the contents of the Master Plan for the Town of Acton.

Joshua Cherin - Quality Manager, Admiral Metals in Woburn MA. He was applying for a position on the Board of Assessors*. He also expressed an interest in the Recreation Commission and the South Acton Revitalization Committee. There are currently no posting on the Recreation Commission and Mr. Cherin lives just outside the limits of the South Acton Community. He has lived in Acton less than two years and has been busy restoring a home on Central Street. He has lived in Massachusetts for 33 years. With the completion of his home project he wanted to activity participate in the town through volunteer service. He has extensive experience in real estate both as an owner and property manager. During the interview the possibility of serving on the Fair Housing Committee was mentioned. With his experience in real estate he could bring a needed special interest to this committee. He indicated that he would pleased to serve on the Fair Housing Committee if appointed.
*Cherin had a concern re: time commitment if excessive.

Paul Wexelblat - Applied for a position on the Board of Assessors. He served on this board as member and chairman for 8 of the last 20 years. He has been certified by the Department of Revenue as an Assessor having successfully completed the required course work and classification workshop. He has lived in Acton for the 20 years and in Massachusetts for 25 years. At the present time he is completing a Doctorate in Computer Science at the University of Massachusetts Lowell. His only time constraint is Thursday evenings. Mr. Wexelblat indicated he saw the posting for a member of the Acton Board of Assessors and indicated his willingness to serve again. He feels that he could add strength to the current board based on his experience and training.

(Copy - for B D Selectmen from VCC)

October 14, 1992
118 Willow St.
Acton, MA 01720

To The Chairman of the Acton
Historical Commission.

Medical and unexpected family matters make it
impossible for me to actively continue my Commission
interest and activities. I am compelled to offer
my resignation

I have enjoyed my time on the Commission and
I do this with regrets.

I extend my very best wishes for the continued
success of the Commission.

Sincerely yours
Lawrence Story



PLANNING BOARD • Town of Acton

472 MAIN STREET ACTON, MASSACHUSETTS 01720 TELEPHONE (508) 264-9636

December 7, 1992

Mr. Leo Bertolami
Concord Subaru, Inc.
666 Cambridge Tpk., Route 2
Concord, MA 01742

re: 'Wetherbee House', 103 Great Road

Dear Mr. Bertolami:

Thank you for explaining to the Planning Board your intentions for the restoration and reuse of the Wetherbee House at 103 Great Road. The Board appreciates your effort and commitment.

However, the proposal to change the zoning of the parcel to "Limited Business District" in order to allow the establishment of a car leasing business is of great concern to us. After consultation with Town Counsel, we understand that the effect of such a zoning change is "spot zoning" which is not allowed under the State Zoning Act. The Town would then have to defend such action if it is challenged. Surely, you understand that the Planning Board cannot support a zoning change that would put the Town in such a precarious legal position. Therefore, at the meeting of December 7, 1992, the Planning Board unanimously voted not to support the proposed zoning change.

The Planning Board urges you to continue your effort to restore the 'Wetherbee House', but to consider uses which are consistent with the East Acton Village zoning district.

Sincerely,

Gregory E. Niemyski, Chairman
TOWN OF ACTON PLANNING BOARD


cc: ~~Board of Selectmen~~
Acton Historical Commission



Minuteman Advisory Group on Interlocal Coordination

Acton
Boxborough
Carlisle
Concord
Hudson



Littleton
Marlborough
Maynard
Stow
Sudbury

60 Temple Place, Boston, MA 02111 617/451-2770

**MINUTEMAN ADVISORY GROUP
ON INTERLOCAL COORDINATION**

A Subregion of Metropolitan Area Planning Council



December 11, 1992

Dear Chief Elected Official:

Selectmen from several MAGIC towns have asked MAGIC to discuss a recent request by the Joint Boards of Selectmen (JBOS) in the four Fort Devens towns to sign a resolution supporting formation of a Fort Devens Development Corporation (FDDC).

At our meeting last night, MAGIC members expressed concern that the proposed FDDC board is too heavily weighted in favor of the four towns. MAGIC voted to ask the JBOS to revise the composition of the board, limiting it to seven members, with one from each of the four towns, one from a MAGIC community and appointed by MAGIC, and two other members from other towns or regions or representing the governor and not chosen by the four towns. If the JBOS agrees to these changes, MAGIC will recommend that its member communities sign the resolution.

Please let me know if you have any questions on this matter.

Sincerely,

Donna Jacobs
(JA)

Donna Jacobs
Chairperson

cc: BOS

TOWN OF ACTON
INTER-DEPARTMENTAL COMMUNICATION

December 17, 1992

TO: John Murray
FROM: Connie Huber *CH*
SUBJECT: Town Meeting Dates

Donna Scott, Don MacKenzie's secretary, called to report that she had checked on the potential calendar conflicts we discussed. Don will be available to preside as Town Moderator on the nights of April 12 and 13, but not the rest of the week. Since Don is out of his office at this time, I asked her to be certain those dates were reserved on his calendar for Acton town business.

D221

12/18
cc: BOS

RE THE QUESTION OF MOVING
THE ANNUAL TOWN MEETING DATE.

Don

BOS

Water Supply District of Acton

P.O. BOX 953
MASSACHUSETTS AVENUE
ACTON, MASSACHUSETTS 01720

BOARD OF WATER COMMISSIONERS
HARLAN TUTTLE BUILDING
693 MASSACHUSETTS AVENUE
ACTON, MA 01720

DECEMBER 14, 1992

AGENDA:

7:30 P.M. - CALL TO ORDER

7:31 P.M. - COMMENTS FROM CITIZENS AND OPEN DISCUSSION

ACCEPT MINUTES OF MEETING NOVEMBER 30, 1992

NEW BUSINESS

WARRANTS & COMMUNICATIONS

BID GARAGE ADDITION

EARLY RETIREMENT BILL

NOMINATION PAPERS

WARRANT ARTICLES

OLD BUSINESS

CLOSE NASH ROAD

CONANT SITE #2

WORD CHANGES IN DISTRICT REGULATIONS

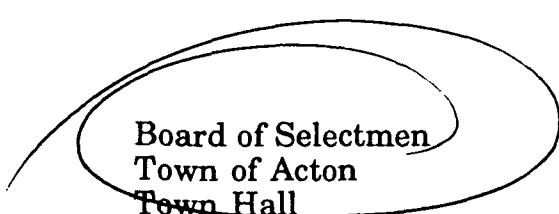
MANAGER'S CONTRACT - INSURANCE

LABORATORY LEASE

DEC 15 1992

Troop I, Acton, Massachusetts *(The Isaac Davis Troop)*

December 11, 1992



Board of Selectmen
Town of Acton
~~Town Hall~~
Acton, MA 01720

Dear Members of the Board:

The Troop I committee requests the honor of your presence at a Court of Honor recognizing the advancement of Timothy Karl Dorren and Todd Louis Panicali to the rank of Eagle Scout on Wednesday, January 13, 1993 at St. Matthews Methodist Church, 435 Central Street, West Acton, Massachusetts.

The Eagle Ceremony will begin at 7:00 p.m., followed by a Reception in the Church Hall.

For every 100 boys who join scouting, two scouts attain the highest rank of Eagle. Therefore, we consider ourselves especially fortunate to be honoring these young men. We hope you will join us on this important occasion.

Sincerely,



Joy Sussman
Advancement Chairperson
23 Lothrop Road
Acton, MA 01720

cc: BOS

144 Great Road
Acton, Massachusetts
December 9, 1992

Board of Selectmen
Town of Acton

Dear Board Members :

The cost of Medicare is going up in January.

The cost of Harvard Community Health is increasing by 7.5% as of January first. Other HMO providers will undoubtedly increase their rates also.

These spiraling cost adjustments will make a substantial dent in the COLA that the Retirees just received.

Many of the Retirees can't even maintain a standard of living that has already been eroded over the years by inflation and the previous massive increases in the cost of health insurance.

The Retirees are proud of their many years of past services to the Town of Acton - make them continue to feel the same way as a Retiree by helping them to offset these unavoidable expenses and allow them to have a reasonable standard of living now.

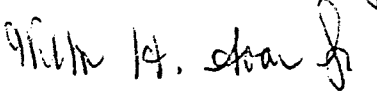
This can be accomplished in part by the Town increasing its share of the cost of their health insurance premiums.

As work on the budget begins, please give this matter your serious consideration, and hopefully your approval and support.

Sincerely,


Donald O. Nylander


William V. Sparks


William H. Soar, Jr.



Mitchell Adams, Commissioner
Leslie Kirwan, Deputy Commissioner

CITY & TOWN

A Publication of the Massachusetts Department of Revenue's Division of Local Services

Computer Applications Available From DLS

Over the past six years the Division of Local Services has been creating a variety of personal computer applications designed to assist local financial officials, managers, and policy-makers. Currently available are Revenue and Expenditure Forecasting Application, Schedule A Application, Tax Rate Recapitulation Application and Cash Flow Analysis Application. The development process continues as the Division begins the design stage of Balance Sheet Application. The automation offered can be operated on most personal computers equipped with Lotus 1-2-3, and is provided at no cost to communities. Listed below are descriptions of the currently available applications.

Revenue and Expenditure Forecasting Application

This application allows local officials to forecast all operating revenues and expenditures that appear on their community's Tax Rate Recapitulation Sheet. The user can also explore "what if" scenarios to determine the impact of future events on their community's bottom line by varying underlying revenue and expenditure assumptions.

Staff from Local Services is available to provide application support and to meet with a community's financial team to assist them in getting started. For more information or to order the Revenue and Expenditure Forecasting Application, officials can contact Stephen Dukeman in the Division's Technical Assistance Section.

Schedule A Application

For the sixth year, communities are able to complete their annual financial report (Schedule A) using the Division's diskette application. The Schedule A program is menu-driven, and readily enables the user to compute subtotals, totals and section reconciliations. This program will make the process of fulfilling the Schedule A reporting requirement an easier and more efficient task.

Four Software Applications Now Available

Local officials can contact their Bureau of Accounts representative for hardware, application and reporting requirements for the Schedule A Application. Communities without access to Lotus 1-2-3 may also contact their BOA representative for information on accessing the Division's computers in the Boston, Springfield and Worcester regional offices.

Tax Rate Recapitulation Application

Local officials may also take advantage of the automated Tax Rate Recapitulation (Recap) offered by the Division. The Recap program is designed to help financial officials complete all the forms necessary for a community's tax rate certification. It also automates the calculation of certain important factors

associated with tax rate certification, including the maximum allowable shift in tax burden from residential property and the cost of an override per \$1,000 valuation. Available by request on diskette, the program is accessed through a user-friendly menu system. For more information about the automated Tax Rate Recap, interested officials should contact their Bureau of Accounts representative.

Cash Flow Analysis Application

The Division encourages communities to prepare a cash flow analysis by estimating cash receipts and cash disbursements in order to determine cash availability. A sound cash flow analysis will enable the community to anticipate the impact of future demands on cash reserves and plan accordingly. The Bureau of Accounts has developed an automated Cash Flow spreadsheet to assist officials in this task. Cash Flow spreadsheets can be obtained from your Bureau of Accounts representative.

For information on the Division's computer applications call (617) 727-2300. ■

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LEGAL

In Our Opinion

Q: Can a city or town school committee approve payment of an expense for which there is no pre-existing line item?

A: No. Chapter 71 Sec. 34 of the Massachusetts General Laws states that "The vote of the legislative body of a city or town shall establish the total appropriation for the support of the public schools, but may not limit the authority of the school committee to determine expenditures within the total appropriation." This provision applies only to the extent that the school committee already has suitable line items in its budget. Under Ch. 71 Sec. 34, the school committee must prepare an itemized budget to permit the city or town appropriating body to make "nonbinding monetary recommendations to increase or decrease certain items allocating such appropriations." In addition, other statutes require detailed estimates of departmental budget requests in cities and towns (M.G.L. Ch. 44 Sec. 31A & Ch. 41 Sec. 59). Accordingly, if there is no pre-existing line item for certain school department expenses, such a line item would have to be established in a supplemental budget or by a city council or town meeting approved transfer (See M.G.L. Ch. 44 Sec. 33B).

Q: Can a Sealer of Weights and Measures in a town which has adopted Ch. 40 Sec. 22F of the General Laws set fees for the service of testing and affixing an official seal to measuring devices?

A: Yes. Chapter 40 Sec. 22F, which is a local option statute, permits municipalities to set certain fees and charges and, if those fees and charges are currently established by statute, to increase them beyond the statutory level. By this statute, municipal boards and officers may establish reasonable fees and charges for permits, licenses or certificates issued or for services performed. Certain fees and charges cannot be set under this new statute. These include charges for health care services approved by the

Rate Setting Commission under M.G.L. Ch. 6A Sec. 31-77, fees for liquor licenses under M.G.L. Ch. 138, and fees not paid over entirely to the municipality. The later category would include fees: 1) retained by the officer (such as city or town clerk fees); 2) partly or wholly paid over to the Commonwealth (e.g., wetlands protection fees); and 3) paid over to another governmental body (e.g., dog license fees paid to the county). Presently, Ch. 98 Sec. 56 of the General Laws establishes fees for Sealers and provides that cities and towns may use this schedule or set the fees by ordinance or bylaw. Since the Sealer essentially issues permits by affixing seals to measuring devices for the benefit of the general public, town meeting by adopting this statute can authorize the Sealer to set reasonable fees for the issuance of these permits provided all revenue derived is credited to estimated receipts. Any increase in fees, however, must satisfy the tests set forth by the Supreme Judicial Court in *Emerson College vs. Boston*, 391 Mass. 415 (1984). Most importantly, the fees imposed are to meet expenses incurred in providing the service and should not be imposed so as to create a significant, consistent surplus.

Q: How should a property tax be billed where there is multiple ownership and the municipality's computer system is unable to print the full names of all owners?

A: Under Ch. 60 Sec. 56, if a parcel has multiple record owners, the tax may be assessed in the name of one or more of the record owners. If it is not possible to include the full names of all owners on the tax bill, then the full name of at least one of the owners must be listed for the assessment and lien to be valid. If the last names of some or all of the other owners were also included, this should not affect the validity of the tax. Minor omissions or mistakes would not invalidate an assess-

ment unless they are misleading or affect a taxpayer's rights. (M.G.L. Ch. 60 Sec. 21; *McManus vs. Boston*, 320 Mass. 585 [1947]).

Q: How should a tract of land be assessed where portions of the parcel have been made subject to a perpetual conservation restriction under Ch. 184 of the General Laws?

A: The Supreme Judicial Court states in *Parkinson vs. Board of Assessors of Medfield*, 398 Mass. 112 (1986) that if part of a taxpayer's property is encumbered by a conservation restriction and part is not, then Ch. 59 Sec. 11 of the General Laws requires that the restricted and unrestricted portions be separately assessed. Accordingly, the assessors must create, for assessment purposes, a separate parcel consisting of restricted land.

Q: How should a community account for workmen's compensation and disability insurance proceeds?

A: Such sums are part of estimated receipts. Chapter 44 Sec. 53 provides that all amounts paid to a city, town or district officer or department are to be deposited in the general treasury and cannot be spent without further appropriation unless a specific statutory provision applies. Unlike fire or physical damage insurance proceeds which can be reserved if not in excess of \$10,000, all personal injury insurance proceeds become part of estimated receipts and cannot be credited to the salary account of the particular department. Under Ch. 41 Sec. 111F of the Massachusetts General Laws, police and fire employees who are injured in the line of duty must receive 100% of their regular compensation from the salary account. If the municipality has insurance to cover the loss, such proceeds must be paid into the general treasury. ■

FOCUS

on Municipal Finance

Proposition 2 1/2 Override Referenda

The 90's have been a period of financial stress for Massachusetts cities and towns. This Focus looks at the extent to which communities attempted to use the override provision of Proposition 2 1/2 to make up for the reductions in revenues caused by state aid cuts, the economic downturn, and related factors. While partial data are available for the current fiscal year, this analysis will assess the referenda questions affecting FY90, FY91 and FY92. The two other 2 1/2 referenda votes—debt exclusions and capital exclusions—will be addressed in a future issue.

Measurement of Results

Measurement of the impact of override votes is complicated by the fact that communities may place as many individual referenda questions before voters as they choose. Therefore, some elections have offered a "menu" approach that places specific budgetary decisions in the hands of voters. Some communities have consistently relied upon this option—especially several towns on Cape Cod. Chatham offered 62 separate questions during the three-year period, while Tisbury had 51, Harwich 44 and Eastham 38. However, the combined dollar amount of the referenda questions in many "menu" ballots often was less than that being decided by single votes in other communities.

Another complicating factor is that it is not uncommon for towns to have ballot questions at more than one election during the year—in some cases presenting the same question within just a month or so of a loss. In fact, 22 communities held three or four elections with override questions in the same year.

Because of these phenomena, it makes sense to consider override votes from

two different perspectives. The outcome of individual questions is interesting, but the magnitude of the attempts and success rates can be better understood by looking at the total dollar amount being voted upon for each fiscal year in each community.

Findings

Communities are relying more upon overrides in the 90's than in the 80's (Figure 1). However, the amount added to the levy limit statewide appears to have peaked in FY91 at \$58.5 million. Preliminary information for FY93, which is summarized at the end of this article, shows a continued decrease in the amounts being attempted and won.

Attempts and Results: State Totals

Table 1 shows statewide attempts and success rates, for each fiscal year and for the combined three-year period. Almost three quarters (257) of the state's 351 cities and towns attempted at least one vote. Override activity peaked in FY91, when more than half of the state's communities attempted at least one over-

ride vote. In fact, that year's 609 override questions alone represented more than the 544 override attempts that were made during the entire FY82-FY89 period!

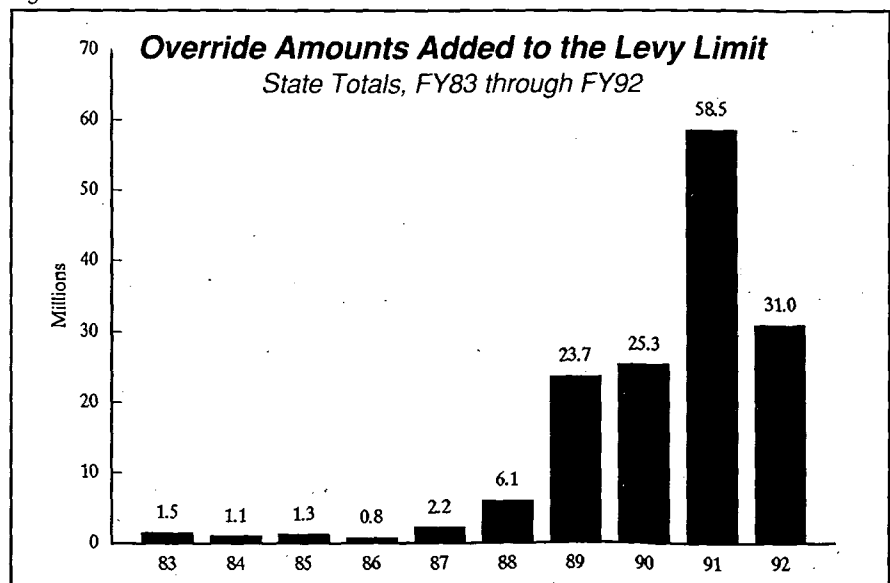
Success rates peaked in either FY90 or FY91, depending upon whether one looks at the number of votes or the amount won. In FY92, less than half (46.9%) of the 143 attempting communities won even one vote, the lowest rate since FY84. The success rate for individual votes was even lower, falling from 40.3% in FY90 to 25.7% in FY92.

During the FY90-92 period, the size of override votes ranged from \$181 to \$10,000,000. (Both of those votes failed.) Sixty percent of all votes were for less than \$100,000. Of the 86 that were larger than \$1,000,000, 26 won. The biggest win was \$4,583,000 for Worcester's FY92 school budget.

The combined amount of all communities' ballot questions for FY90 through FY92 is shown in Table 2 in dollars and dollars per capita. Selectmen, mayors and city councils appear to have become

continued on page six ➡

Figure 1



Override Votes and Amounts, FY90-FY92

		Total Amount On Ballot	Ballot Amount Per Capita	Pct of Total Amt Won			Total Amount On Ballot	Ballot Amount Per Capita	Pct of Total Amt Won			Total Amount On Ballot	Ballot Amount Per Capita	Pct of Total Amt Won						
Votes	Wins				Votes	Wins				Votes	Wins									
ABINGTON	3	2	1,402,752	101.52	1,078,000	76.8	CHILMARK	9	7	429,349	660.54	378,349	88.1	HANCOCK	3	2	42,000	66.88	17,000	40.5
ACTON	3	3	2,878,000	161.03	2,878,000	100.0	COHASSET	12	3	1,615,971	228.41	349,969	21.7	HANOVER	1	1	1,050,000	88.15	1,050,000	100.0
ADAMS	1	0	275,000	29.12	0	0.0	COLRAIN	5	1	264,452	150.51	90,000	34.0	HANSON	25	3	3,919,601	434.16	462,217	11.8
ALFORD	1	1	40,000	95.69	40,000	100.0	CONCORD	1	0	209,629	12.28	0	0.0	HARVARD	6	2	527,000	42.74	173,200	32.9
AMESBURY	2	0	2,184,919	145.69	0	0.0	CONWAY	4	3	166,500	108.89	101,000	60.7	HARWICH	44	3	1,633,156	158.94	335,019	20.5
AMHERST	10	6	1,728,474	49.07	1,106,946	64.0	DALTON	2	0	505,006	70.58	0	0.0	HATFIELD	11	1	289,699	90.99	4,000	1.4
ANDOVER	1	0	1,500,000	51.46	0	0.0	DENNIS	5	3	1,995,276	143.92	1,448,858	72.6	HAWLEY	1	1	15,000	47.32	15,000	100.0
ARLINGTON	2	1	4,789,528	107.32	2,520,000	52.6	DIGHTON	1	0	689,000	122.36	0	0.0	HEATH	2	2	186,500	260.47	186,500	100.0
ASHBURNHAM	8	0	1,434,862	264.10	0	0.0	DOUGLAS	2	0	607,342	111.68	0	0.0	HINGHAM	5	1	4,775,000	240.91	875,000	18.3
ASHBY	17	1	1,374,799	506.00	65,000	4.7	DOVER	4	3	912,485	185.65	831,485	91.1	HINSDALE	4	3	401,200	204.80	275,637	68.7
ASHFIELD	3	2	163,799	95.51	153,799	93.9	DRACUT	2	0	1,900,000	74.24	0	0.0	HOLBROOK	6	0	1,397,000	126.53	0	0.0
ASHLAND	2	0	1,155,000	95.72	0	0.0	DUNSTABLE	8	2	439,010	196.34	189,036	43.1	HOLDEN	6	2	1,491,069	101.93	308,890	20.7
ATHOL	3	0	1,428,521	124.75	0	0.0	DUXBURY	4	1	2,356,066	169.56	1,000,000	42.4	HOLLAND	30	16	756,350	346.16	324,342	42.9
AVON	1	0	228,994	50.24	0	0.0	E LONGMEADOW	1	1	793,493	59.36	793,493	100.0	HOLLISTON	4	1	615,000	47.58	60,000	9.8
AYER	10	1	1,380,768	200.96	19,327	1.4	EASTHAM	38	19	1,337,200	299.69	118,072	8.8	HOLYOKE	14	4	19,003,260	434.82	5,104,000	26.9
BARNSTABLE	1	1	1,700,000	41.52	1,700,000	100.0	EASTHAMPTON	1	0	670,000	43.12	0	0.0	HOPEDALE	3	1	717,000	126.54	382,000	53.3
BECKET	2	1	215,000	145.17	90,000	41.9	EASTON	7	2	3,330,379	168.14	2,129,633	63.9	HOPKINTON	8	2	1,335,468	145.30	597,899	44.8
BELCHERTOWN	3	1	1,198,412	113.28	398,412	33.2	EDGARTOWN	10	7	784,555	256.22	717,115	91.4	HUBBARDSTON	4	0	141,660	50.65	0	0.0
BELLINGHAM	1	0	352,671	23.71	0	0.0	EGREMONT	3	2	274,000	222.95	170,000	62.0	HUDSON	1	0	579,984	33.66	0	0.0
BELMONT	1	1	2,094,946	84.75	2,094,946	100.0	ERVING	1	1	175,000	127.55	175,000	100.0	HULL	1	0	600,000	57.33	0	0.0
BERKLEY	1	0	230,611	54.43	0	0.0	ESSEX	9	5	276,546	84.83	119,146	43.1	HUNTINGTON	3	1	163,868	82.47	76,460	46.7
BERLIN	12	8	451,207	196.78	343,724	76.2	FAIRHAVEN	1	0	741,000	45.93	0	0.0	IPSWICH	7	4	1,336,048	112.53	1,054,147	78.9
BERNARDSTON	4	2	720,913	352.01	203,913	28.3	FALMOUTH	1	0	1,685,885	60.30	0	0.0	KINGSTON	4	0	168,567	18.64	0	0.0
BILLERICA	13	0	2,091,258	55.61	0	0.0	FITCHBURG	1	0	200,000	4.86	0	0.0	LAKEVILLE	4	0	1,535,369	197.22	0	0.0
BLANDFORD	4	1	272,136	229.26	5,000	1.8	FLORIDA	1	1	40,000	53.91	40,000	100.0	LANCASTER	19	0	2,613,108	392.30	0	0.0
BOLTON	11	5	1,174,253	374.68	629,606	53.6	FOXBOROUGH	5	0	1,044,000	71.33	0	0.0	LANESBORO	1	0	160,000	52.77	0	0.0
BOURNE	1	1	2,285,000	142.24	2,285,000	100.0	FRAMINGHAM	9	3	6,927,699	106.60	4,477,699	64.6	LAWRENCE	4	0	7,255,797	103.35	0	0.0
BOXBOROUGH	2	1	288,000	86.15	103,000	35.8	FRANKLIN	1	0	1,350,349	61.12	0	0.0	LEE	1	0	255,000	43.60	0	0.0
BOXFORD	18	10	915,005	146.03	587,427	64.2	FREETOWN	7	0	689,917	80.96	0	0.0	LEICESTER	2	1	1,104,827	108.41	629,827	57.0
BOYLSTON	1	0	172,000	48.91	0	0.0	GARDNER	5	0	1,232,860	61.26	0	0.0	LEVERETT	3	2	393,145	220.25	253,293	64.4
BRIDGEWATER	8	0	1,404,884	66.12	0	0.0	GAY HEAD	1	1	107,459	534.62	107,459	100.0	LEXINGTON	1	1	1,097,829	37.89	1,097,829	100.0
BRIMFIELD	5	1	940,257	313.31	253,034	26.9	GEORGETOWN	3	2	307,273	48.13	225,773	73.5	LEYDEN	5	2	262,168	396.02	100,759	38.4
BROCKTON	3	0	5,500,000	59.27	0	0.0	GLOUCESTER	2	0	165,000	5.75	0	0.0	LINCOLN	3	3	1,360,000	177.41	1,360,000	100.0
BUCKLAND	18	7	281,634	146.08	120,085	42.6	GOSHEN	2	1	120,500	145.18	98,000	81.3	LITTLETON	1	1	361,344	51.25	361,344	100.0
CANTON	1	0	730,000	39.40	0	0.0	GOSNOLD	1	1	7,219	73.66	7,219	100.0	LONGMEADOW	1	1	2,400,000	155.17	2,400,000	100.0
CARLISLE	6	3	1,107,723	255.65	316,701	28.6	GRANBY	12	1	1,119,859	201.23	79,898	7.1	LUNENBURG	5	1	1,129,945	123.94	308,000	27.3
CARVER	3	0	1,461,553	138.01	0	0.0	GRANVILLE	2	0	152,285	108.54	0	0.0	LYNNFIELD	1	1	884,409	78.45	884,409	100.0
CHARLEMONT	1	1	95,000	76.06	95,000	100.0	GT BARRINGTON	8	2	3,401,689	440.35	724,760	21.3	MANCHESTER	4	3	1,544,131	292.12	344,131	22.3
CHARLTON	2	0	1,287,570	134.46	0	0.0	GREENFIELD	1	1	1,358,297	72.77	1,358,297	100.0	MARBLEHEAD	4	0	1,591,224	79.68	0	0.0
CHATHAM	62	27	1,340,762	203.79	666,879	49.7	GROTON	1	1	149,612	19.92	149,612	100.0	MARION	21	13	1,089,313	242.28	882,926	81.1
CHELMSFORD	7	1	4,907,165	151.54	950,000	19.4	GROVELAND	10	1	828,923	158.98	188,084	22.7	MARSHFIELD	6	1	4,390,460	203.91	672,000	15.3
CHELSEA	1	0	2,000,000	69.66	0	0.0	HADLEY	1	0	250,000	59.09	0	0.0	MASHPEE	12	3	2,062,718	261.63	1,334,565	64.7
CHESHIRE	3	1	785,000	225.64	275,000	35.0	HAUFAX	14	1	1,533,267	234.95	124,041	8.1	MATTAPOISETT	18	2	1,368,422	233.92	141,709	10.4
CHESTER	2	0	89,086	69.60	0	0.0	HAMILTON	18	9	2,209,250	303.47	1,345,373	60.9	MAYNARD	14	2	2,377,347	230.25	604,087	25.4
CHESTERFIELD	2	2	70,517	67.29	70,517	100.0	HAMPDEN	13	7	438,448	93.11	376,957	86.0	MEDFIELD	1	1	579,000	54.98	579,000	100.0

		Total Amount On Ballot	Ballot Amount Per Capita	Amount Won	Pct of Total Amt Won				Total Amount On Ballot	Ballot Amount Per Capita	Amount Won	Pct of Total Amt Won				Total Amount On Ballot	Ballot Amount Per Capita	Amount Won	Pct of Total Amt Won	
Votes	Wins						Votes	Wins						Votes	Wins					
MELROSE	5	0	972,750	34.56	0	0.0	REVERE	14	0	7,089,290	165.69	0	0.0	WARE	19	1	2,365,346	241.16	80,000	3.4
MENDON	4	0	474,313	118.28	0	0.0	RICHMOND	3	3	339,781	202.61	339,781	100.0	WARREN	1	0	336,532	75.85	0	0.0
MERRIMAC	3	1	554,444	107.33	47,422	8.6	ROCHESTER	16	1	568,775	145.06	24,083	4.2	WARWICK	13	2	328,324	443.68	62,424	19.0
MIDDLEBORO	1	0	950,000	53.17	0	0.0	ROCKLAND	7	0	1,939,321	120.28	0	0.0	WAYLAND	3	2	2,173,804	183.07	1,273,804	58.6
MIDDLEFIELD	2	2	105,000	267.86	105,000	100.0	ROCKPORT	2	2	699,000	93.42	699,000	100.0	WELLESLEY	11	4	3,046,189	114.45	942,900	31.0
MIDDLETON	6	0	441,264	89.67	0	0.0	ROWLEY	24	3	1,513,913	340.05	46,356	3.1	WELLFLEET	21	12	1,327,382	532.44	959,382	72.3
MILFORD	1	0	650,000	25.64	0	0.0	RUTLAND	13	3	1,058,583	214.46	420,020	39.7	WENDELL	11	1	184,872	205.64	19,598	10.6
MILLIS	3	0	581,092	78.33	0	0.0	SALISBURY	20	7	2,521,808	366.44	1,100,067	43.6	WENHAM	3	3	495,000	117.52	495,000	100.0
MILTON	2	2	2,573,368	100.03	2,573,368	100.0	SANDSFIELD	9	5	178,406	267.48	97,347	54.6	W BOYLSTON	1	1	200,000	30.25	200,000	100.0
MONSON	16	1	2,109,786	271.32	451,000	21.4	SANDWICH	17	0	1,968,692	127.10	0	0.0	W BRIDGEWTR	3	0	1,125,414	176.15	0	0.0
MONTEREY	1	1	65,000	80.75	65,000	100.0	SAVOY	4	1	60,893	96.05	9,039	14.8	W NEWBURY	8	1	819,953	239.68	210,000	25.6
MONTGOMERY	4	0	56,000	73.78	0	0.0	SCITUATE	1	1	1,334,220	79.48	1,334,220	100.0	W STOCKBRIDGE	3	2	743,399	501.28	472,375	63.5
MT WASHINGTON	5	3	89,089	659.92	24,089	27.0	SEEKONK	5	0	2,806,452	215.12	0	0.0	WEST TISBURY	11	6	686,961	403.15	578,461	84.2
NANTUCKET	23	4	4,360,559	725.31	2,200,000	50.5	SHARON	7	3	4,308,889	277.56	2,258,546	52.4	WESTFIELD	5	0	1,895,000	49.38	0	0.0
NATICK	2	0	1,800,000	59.00	0	0.0	SHEFFIELD	6	4	1,487,692	511.23	779,650	52.4	WESTFORD	2	0	1,587,265	96.83	0	0.0
NEEDHAM	9	7	5,564,569	201.93	1,844,085	34.8	SHELburne	1	1	104,761	52.07	104,761	100.0	WESTHAMPTON	5	0	289,650	225.81	0	0.0
NEW BRAINTREE	9	0	208,200	236.32	0	0.0	SHERBORN	2	2	693,000	173.73	693,000	100.0	WESTON	3	3	1,745,000	171.08	1,745,000	100.0
NEW MARLBORO	1	1	60,000	48.39	60,000	100.0	SHIRLEY	8	1	817,489	133.62	62,400	7.6	WESTPORT	1	0	160,000	11.55	0	0.0
NEW SALEM	2	1	36,968	46.09	22,968	62.1	SHUTESBURY	2	1	285,587	182.95	80,817	28.3	WESTWOOD	1	0	1,500,000	119.46	0	0.0
NEWBURY	14	6	1,515,159	269.46	761,534	50.3	SOMERSET	1	0	352,043	19.94	0	0.0	WEYMOUTH	1	0	5,625,000	104.05	0	0.0
NEWTON	1	0	5,000,000	60.54	0	0.0	SOUTHAMPTON	9	2	981,261	219.13	175,795	17.9	WHATELY	2	1	230,985	167.99	110,813	47.9
NORFOLK	7	4	1,683,938	181.65	607,820	36.1	SOUTHBORO	7	1	688,131	103.82	266,631	38.7	WHITMAN	7	0	5,391,679	407.23	0	0.0
N ANDOVER	3	1	5,546,794	243.37	1,200,000	21.6	SOUTHBRIDGE	1	0	550,000	30.87	0	0.0	WILBRAHAM	4	2	1,148,606	90.91	915,807	79.7
N BROOKFIELD	2	0	550,000	116.82	0	0.0	SPENCER	1	0	920,462	79.04	0	0.0	WILLIAMSBURG	11	6	182,259	72.47	139,628	76.6
N READING	9	0	1,942,589	161.86	0	0.0	SPRINGFIELD	9	5	22,642,666	144.24	10,812,136	47.8	WILMINGTON	2	0	1,470,685	83.32	0	0.0
NORTHBORO	2	0	365,166	30.61	0	0.0	STERLING	1	0	645,082	99.53	0	0.0	WINCHENDON	2	0	723,515	82.17	0	0.0
NORTHBRIDGE	1	0	995,000	74.41	0	0.0	STOCKBRIDGE	1	1	250,000	103.82	250,000	100.0	WINCHESTER	5	0	924,000	45.59	0	0.0
NORTHFIELD	5	2	405,500	142.88	78,500	19.4	STONEHAM	2	0	1,692,000	76.21	0	0.0	WINDSOR	4	2	118,695	151.55	61,313	52.5
NORTON	1	0	500,000	35.05	0	0.0	STOW	21	6	1,731,375	324.96	962,600	55.6	WORCESTER	6	1	8,156,493	48.05	4,583,000	56.2
NORWELL	3	2	1,275,000	137.41	925,000	72.5	STURBRIDGE	15	3	1,311,024	168.62	691,148	52.7	WORTHINGTON	4	1	272,070	235.35	61,280	22.5
OAK BLUFFS	27	4	1,735,904	619.08	690,381	39.8	SUDBURY	5	2	3,247,680	226.19	875,000	26.9	WRENTHAM	1	1	681,000	75.62	681,000	100.0
ORANGE	40	11	4,011,040	548.56	644,742	16.1	SUNDERLAND	10	2	726,776	213.82	38,715	5.3	YARMOUTH	1	1	1,763,358	83.28	1,763,358	100.0
OTIS	3	2	268,228	249.98	230,846	86.1	SUTTON	1	1	614,983	90.12	614,983	100.0	STATE TOTAL	1607	490	363783237	115.17	116778162	32.1
PALMER	4	0	1,050,000	87.11	0	0.0	SWAMPSCOTT	1	1	1,837,000	134.58	1,837,000	100.0	Only the 257 communities that attempted an override for FY90, FY91 or FY92 are shown on this table.						
PAXTON	5	2	674,362	166.63	192,090	28.5	TEMPLETON	3	0	899,383	139.70	0	0.0							
PELHAM	1	1	68,000	49.53	68,000	100.0	TEWKSBURY	1	0	880,792	32.30	0	0.0	Each individual ballot question for "pyramid" overrides counts as a vote. However, pyramid amounts are not totaled. Instead, the highest amount attempted and the highest amount won are used.						
PEPPERELL	2	0	1,762,792	174.57	0	0.0	TISBURY	51	28	1,491,619	478.08	1,017,783	68.2							
PERU	9	1	23,087	29.64	900	3.9	TOPSFIELD	8	4	1,305,934	226.96	758,534	58.1							
PETERSHAM	1	0	93,000	82.23	0	0.0	TOWNSEND	11	3	1,909,586	224.76	154,000	8.1							
PHILLIPSTON	4	2	221,378	149.08	132,466	59.8	TRURO	6	4	665,542	423.10	315,542	47.4							
PLAINVILLE	1	0	151,718	22.08	0	0.0	TYNGSBORO	4	1	1,654,335	191.43	580,000	35.1							
PLYMPTON	1	0	250,000	104.87	0	0.0	UPTON	2	0	504,091	107.78	0	0.0							
PRINCETON	1	0	63,000	19.76	0	0.0	WAKEFIELD	1	1	760,000	30.61	760,000	100.0							
RAYNHAM	8	0	2,104,026	213.24	0	0.0	WALES	3	1	430,865	275.14	20,120	4.7							
READING	1	0	1,553,000	68.90	0	0.0	WALPOLE	2	0	1,268,521	62.76	0	0.0							

Table 2

Override Referenda→ *continued from page three*

more conservative in the amounts they presented on override ballots in FY92. The median amount attempted per capita fell from \$76.84 in FY90 and \$76.67 in FY91, to \$52.72 in FY92.

Results by Kind of Community (Table 3)

Eighteen of the 45 Urbanized Centers in the state attempted at least one override for the three-year period. This is a marked increase from the 1980's, when it was generally thought that cities could not

win overrides. (Northampton was the only city to present an override question prior to FY90.) Successful votes in Springfield, Worcester and Holyoke should dispel that notion. However, in their 90's forays into the override process, Urbanized Centers won only 16% of their 100 votes. At the other end of the spectrum, all but one of the state's 53 Residential Suburbs made at least one override attempt and were successful on 38.8% of their 299 questions.

Resort Communities—including those on the Cape, in the Berkshires, and in other areas of the state—had the greatest success with overrides. They attempted the most votes (330) and won almost half of them. In addition, Resort Communities' combined attempts and successes were for the highest dollar amounts per capita, \$242.03 and \$140.18, respectively. In these communities, 57.9% of the

combined amount attempted won, the highest rate statewide. At the other end of the spectrum, Rural Economic Centers won just 21.1% of their votes and only 14.1% of the amount offered on the ballot. They won only \$18.68 per capita, the lowest amount for all of the kind of community groupings.

Results by Functional Category

In order to assess whether voters were more likely to favor overrides for certain purposes more than others, each vote was coded into one of eight functional categories. These conform to the structure used in the UMAS accounting system. Results appear in Table 4.

Most votes (1183 of 1607) designated the particular department to which overrides will be appropriated. However, general overrides, which either leave the

Table 1

Override Votes FY90 - FY92			
Number of Communities	Attempting	Winning At Least Once	Percentage Winning At Least Once
FY90	132	82	62.1
FY91	182	100	54.9
FY92	143	67	46.9
FY90-92	257	164	63.8
Total Votes	Votes	Wins	Win Pct
FY90	442	178	40.3
FY91	609	169	27.8
FY92	556	143	25.7
FY90-92	1607	490	30.5
Amounts*	Amount Attempted	Amount Won**	Percent Won
FY90	93,311,832	26,708,659	28.6
FY91	157,102,880	58,906,324	37.5
FY92	113,368,525	31,163,179	27.5
FY90-92	363,783,237	116,778,162	32.1

* For pyramid votes, each ballot question counts as a vote, but only the highest win and highest attempt are counted; losses equal the net difference.

** Amounts won may be slightly larger than the amount actually added to the limit, because in a few cases the amounts were not appropriated.

Table 4

Override Votes and Amounts, by Function FY90 - FY92					
Function	Total Votes	Pct Wins	Pct Winning	Amount Attempted	Amount Won Percent Won
General Operating	424	149	35.1	188,973,332	58,731,305 31.1
Education	350	111	31.7	97,503,971	30,603,769 31.4
Public Works	228	66	28.9	29,893,811	12,527,801 41.9
Public Safety	213	60	28.2	29,075,786	9,779,358 33.6
General Government	169	23	13.6	7,331,468	1,228,224 16.8
Culture & Recreation	112	35	31.3	4,410,048	1,134,273 25.7
Health & Human Services	79	38	48.1	3,348,781	2,351,544 70.2
Other*	32	8	25.0	3,246,040	421,888 13.0
Total	1607	490	30.5	363,783,237	116,778,162 32.1

* Other includes employee benefits and stabilization funds.

Table 3

Results By Kind of Community											
Kind of Community	N in Group	Number Attempting	Population In Attempting Communities	-----Votes-----			-----Amounts-----			--Amt Per Capita--	
				Total	W	Win Pct	Attempted	Won	Pct Won	Attempted	Won
Urbanized Centers	45	18	836,234	100	16	16.0	85,599,467	23,205,607	27.1	102.36	27.75
Economically Developed Suburbs	59	40	958,236	121	29	24.0	79,100,583	24,630,664	31.1	82.55	25.70
Growth Communities	46	34	409,291	321	56	17.4	46,255,542	13,471,217	29.1	113.01	32.91
Residential Suburbs	53	52	442,334	299	116	38.8	67,648,545	31,608,642	46.7	152.94	71.46
Rural Economic Centers	61	40	295,721	213	45	21.1	39,160,140	5,522,915	14.1	132.42	18.68
Small Rural Communities	46	40	118,429	223	65	29.1	22,213,280	4,551,117	20.5	187.57	38.43
Resort/Retirement Communities	41	33	98,357	330	163	49.4	23,805,680	13,788,000	57.9	242.03	140.18
Total	351	257	3,158,602	1607	490	30.5	363,783,237	116,778,162	32.1	115.17	36.97

purpose unspecified or designate more than one department, were much larger in size. They accounted for \$189.0 million, or 51.9% of the \$363.8 million placed before voters.

Of the remaining \$174.8 million of referenda attempts with specific purposes identified, \$97.5 million was for education, \$29.9 million was for public works, and \$29.1 million was for public safety. Results for these three functional areas are all in the same high-twenty to low-forty percent range, whether one looks at the success rates of individual votes or of the amounts being considered. The success rate for schools was within a percentage point of the state average for all functions.

No specific function stood out as being especially prone to success. However, although the amounts involved are smaller, it is noteworthy that the general government function—encompassing a wide range of purposes such as town hall maintenance, computer system purchases and revaluation expenses—fared poorly both on votes won (13.6%) and amounts won (16.8%).

FY93 Results to Date

Results to date appear to indicate that the drop in override activity seen in FY92 is continuing this year. Of the 165 votes tallied for 60 communities, 56 have passed. However, only 22.8 % of the \$28.1 million offered through these referenda has won. It is too early to tell whether this trend will hold for all communities in FY93.

Predictors of Override Attempts and Successes

It is tempting to ascribe the drop in FY92 override activity and success rates to factors such as the economy, cuts in state aid, income, reliance upon capital and debt exclusions, and prior override experience. These and other factors will be looked at in more depth in upcoming FOCUS articles and Division publications. ■

(We appreciate the contributions and assistance of John Robertson of the Massachusetts Municipal Association.)

UPDATE

Local Services

FY93 Cherry Sheet Manual

The Division of Local Services is pleased to announce publication of the *FY93 Cherry Sheet Manual*, a guide to the FY93 Cherry Sheet for local officials, legislators, and individuals and organizations interested in municipal finance. The FY93 Cherry Sheet represents an estimated \$2.5 billion in receipts to cities, towns, and regional school districts.

The *Cherry Sheet Manual* describes each municipal and regional school district Cherry Sheet receipt and assessment program, including: title, item number, law(s) creating/modifying the program, budget account number, agency, amount, purpose, distribution/reimbursement or assessment/charge formula, administration and payment schedule. The *Manual* describes the FY93 Cherry Sheet, including increases in certain programs, funding of new programs, and deletion of other programs. The *Manual* also examines the allocation of Resolution Aid in recent years.

The *Cherry Sheet Manual* has been distributed to the mayor's office in each city and the selectmen's office in each town. For more information or to request a copy of the *Manual*, please contact Lisa Juskiewicz or Julie Slavet, Local Aid Section, Division of Local Services, (617) 727-2300.

FY94 Budget Workshops

For the fourth consecutive year, the Division of Local Services will be offering its series of budget workshops for Massachusetts communities. These work-

shops offer participating communities an opportunity to work with Division personnel to develop preliminary budget estimates for the coming fiscal year.

As in past years, the workshops are offered in the evening to groups of 3 or 4 communities, with one of the communities hosting the workshop. The first part of the workshop, is a general discussion of the factors that generate changes in all categories of revenues and expenditures. During the second half of the workshop, participants divide into groups by town. Each group is led by a Division staff member and prepares an estimate of their town's FY94 revenues and expenditures. If you would like to host a budget workshop or would like to participate in one, please call Rick Kingsley at the Division of Local Services (617) 727-2300.

Forecasting Application Training

In the past year, the Division of Local Services received requests from 146 Massachusetts cities and towns for its newly developed Revenue and Expenditure Forecasting Application. The Forecasting Application provides users with a tool for projecting the future cost of providing services and the revenues with which to meet these costs. As such, it can be a valuable tool in assessing a municipality's ability to support proposed budgets for FY94 and subsequent fiscal years.

If you would like a copy of the Application with updated historical data, or if your community has received the Application and would like a training session, please call Stephen Dukeman at the Division of Local Services (617) 727-2300. ■

Municipal Fiscal Calendar

December 15

Taxpayer/Assessors

Deadline for applying for property tax exemptions for persons. If tax bills are mailed after September 15, taxpayers have 3 months from the mailing date to file applications for exemptions.

December 31

State Treasurer/Treasurer

Notification of quarterly local aid payments before December 31.

Collector/Taxpayer

Deadline for mailing third (or third and fourth) quarterly tax bill.

Taxpayer/Assessors

Deadline for filing an application for abatement of motor vehicle excise for prior calendar year.

Water or Sewer Commissioners; Selectmen/Assessors

Deadline for betterments to be included in the next year's tax bill (M.G.L. Ch. 80, Sec. 13 and Ch. 83, Sec. 27.)

Assessors/Taxpayers

Mail 3-ABC forms to all eligible non-profit organizations.

Selectmen

Begin to finalize budget recommendations for review by the Finance Committee. This date will vary depending on the dates of the town meeting.

Data Bank Highlight

The Municipal Data Bank is a clearing-house for a wide variety of municipal financial and socio-economic data. This information can be obtained on printouts or diskettes (617-727-2300 x 476) as well as via computer modem on the On-line Data Access System (617-727-4401).

The override votes that were the basis for this month's FOCUS, as well as debt and capital exclusion votes, are available for individual communities or groups of communities. The record for each vote includes its date, vote count, purpose and applicable fiscal year. This information is also available on diskette and through the On-line Data Access System.

CITY & TOWN Editorial Board

Managing Editor: Sharyn S. Adelman

Local Aid: Julie Slavet

Bureau of Accounts: Judy Luca

Technical Assistance: Frederick Kingsley

Executive Bureau: Marilyn Browne

Property Tax Bureau: Harry Grossman

Bureau of Local Assessment: Regina McArdle

Western Regional Office: Kirsten Shirer

Municipal Data Bank: John Sanguinet

Division Contributors: James Crowley, Debbie DiPerri, Stephen Dukeman, Roger Hatch, Cheryl Ryan



CITY & TOWN

Division of Local Services

PO Box 9655

Boston, MA 02114-9655

BULK RATE
U.S. POSTAGE
PAID
COMMONWEALTH OF
MASSACHUSETTS

Address Correction Requested

File 1211

NOVEMBER 24, 1992

TO: Board of Selectmen
FROM: NANCY TAVERNIER, Chairman
SUBJECT: SELECTMEN'S REPORT

#####

AGENDA

ROOM 204

7:30 P.M.

DECEMBER 1, 1992

I. CITIZEN'S CONCERNS

II. PUBLIC HEARINGS & APPOINTMENTS

1. 7:31 Boston Edison - New England Telephone - Pole Location Robbins Street.
2. 7:32 Boston Edison - New England Telephone - Pole Location Off Robbins Street.
3. 7:45 LAST NATIONAL WINE COMPANY - TRANSFER OF STOCK AND PLEDGE OF LICENSE. - Enclosed please find a request for transfer of stock and pledge of Stock for Board action.
4. 8:00 Conley/Sawyer Dog Hearing - Excessive Barking - Enclosed please find background materials from staff regarding the Complaint filed by Mr. & Mrs. Conley relative to Mr. Sawyer's dogs.
5. 8:30 Mr. Hebb - Enclosed please find correspondence from staff regarding confiscated tree stands on Conservation Land.

III. CONSENT AGENDA

6. COMMITTEE APPOINTMENTS - Enclosed please find recommendations from the VCC regarding the appointment of Mr. Kevin J. Forsyth to the Fair Housing Committee and Mr. David B. Harris, Jr. as an Associate Member to the Historical Commission for Board action.
7. EMERGENCY POWER HOOK-UP - Mr. Fox owner of the house and studio under construction at 179 Pope Road requests an Emergency Hook-up prior to public hearing in order to continue to construct his home. Staff to have prepared recommendation on Tuesday night due to the Holiday.

8. FT. DEVENS CAC - Enclosed please find a letter to Secty. Tierney regarding membership drafted by Anne for Board action.

IV. SELECTMEN'S CONCERNS

9. FORT DEVENS DEVELOPMENT CORP. - Enclosed please find a request from the Joint Boards of Selectmen of Ayer, Harvard, Shirley and Lancaster seeking endorsement of a resolution supporting the creation of a Fort Devens Development Corporation.
10. MAPC Meeting - Enclosed please find notice of an MAPC meeting regarding proposed amendments to the 1993 TIP.

V. TOWN MANAGER'S REPORT

VI. EXECUTIVE SESSION

VII. MEETINGS

VIII. ADDITIONAL INFORMATION

Enclosed please find additional correspondence which is strictly informational and requires no Board action.

IX. FUTURE AGENDAS

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This IS NOT a complete agenda.

December 15 - Informational Hearing Pope Road/Strawberry Hill Road
December 29

12/1/92
①

BOSTON EDISON AND NEW ENGLAND TELEPHONE
JOINT IDENTICAL LOCATIONS FOR INSTALLING POLES
NOTICE TO ABUTTERS

In conformity with the requirements of Section 22 of Chapter 166 of the General Laws. (Ter. Ed.), you are hereby notified that a public hearing will be held at the office of the Selectmen of the Town of Acton Massachusetts, on the 1st day of December at 7:31 o'clock P.M., upon the petition of Boston Edison Company and New England Telephone Company for joint or identical locations for the erection or construction of poles to be owned and used in common by them and such other fixtures as may be necessary to sustain or protect the wires of the line upon, along and across the following public ways of said Town:

Robbins Street - Southeasterly approximately 1180 feet west of Stow Street. A distance of about 12 feet - conduit.

BOARD OF SELECTMEN

BY Christine M. Faye

Form 518C
648ACS

7.31

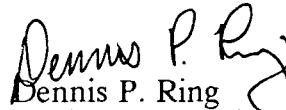
TOWN OF ACTON

INTER-DEPARTMENTAL COMMUNICATION

DATE: 11/10/92

TO: Board of Selectmen
FROM: Engineering Department
SUBJECT: Boston Edison Co. Petitions at Meadowview

These petitions are for the removal of an existing pole and the installation of a new pole and conduit on Stow Street at the Meadowview subdivision. The work has already been completed under authority of the Town Manager as an emergency installation. This is the follow-up paperwork to formally grant the location.


Dennis P. Ring
Engineering Assistant II

[.93*79]

PETITION OF BOSTON EDISON COMPANY FOR LOCATION FOR CONDUITS
AND MANHOLES

To the BOARD OF SELECTMEN of the Town of Acton _____ Massachusetts:

Respectfully represents BOSTON EDISON COMPANY, a company incorporated for the transmission of electricity for lighting, heating or power, that it desires to construct a line for such transmission under the public way or ways hereinafter specified.

WHEREFORE, your petitioner prays that, after due notice and hearing as provided by law, the Board may by Order grant to your petitioner permission to construct, and a location for, such a line of conduits and manholes with the necessary wires and cables therein, said conduits and manholes to be located, substantially as shown on the plan made by F.J. Greenberg dated September 14, 1992, and filed herewith, under the following public way or ways of said Town:

Robbins Street - southeasterly approximately 1180 feet west of Stow Street.
A distance of about 12 feet - conduit.

Public Hearing Required

BOSTON EDISON COMPANY

By Denis Deagle - Supervisor
Rights, Permits & Survey
Western District

Dated this 2nd day of November 1992

Town of Acton Massachusetts.

Received and filed.....19.....

**BOSTON EDISON COMPANY
15 Blandin Avenue
Framingham, MA 01701**

November 2, 1992

Board of Selectmen
Town Hall
Acton, MA 01720

RE: Off Robbins Street
Acton, MA
Work Order #655487.

Dear Members of the Board:

The enclosed two petitions and plans are being presented by the Boston Edison Company and New England Telephone and Telegraph Company for the purpose of obtaining a Grant of Location to install approximately twelve (12) feet of conduit at pole 48/18 Robbins Street and to relocate jointly owned pole 48/18 Robbins Street, Acton.

This work is necessary in order to provide new overhead/underground electric service to a new subdivision off Robbins Street, Acton.

Your prompt attention to this matter would be greatly appreciated. If you need any further assistance, please contact Christine Cosby at (508) 370-4812.

DJD/rbb
Enclosures

Very truly yours,



Denis Deagle - Supervisor
Rights, Permits & Survey
Western District

12/1/92
②

BOSTON EDISON AND NEW ENGLAND TELEPHONE
JOINT IDENTICAL LOCATIONS FOR INSTALLING POLES
NOTICE TO ABUTTERS

In conformity with the requirements of Section 22 of Chapter 166 of the General Laws (Ter. Ed.), you are hereby notified that a public hearing will be held at the office of the Selectmen of the Town of Acton Massachusetts, on the 1st day of December at 7:32 o'clock P.M., upon the petition of Boston Edison Company and New England Telephone Company for joint or identical locations for the erection or construction of poles to be owned and used in common by them and such other fixtures as may be necessary to sustain or protect the wires of the line upon, along and across the following public ways of said Town:

Robbins Street - Northeasterly side approximately 1180 feet west of Stow Street.

(one) pole

(one) existing pole to be removed

BOARD OF SELECTMEN

BY Christine Jaffe

7:32

TOWN OF ACTON

INTER-DEPARTMENTAL COMMUNICATION

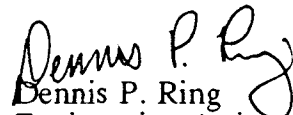
DATE: 11/10/92

TO: Board of Selectmen

FROM: Engineering Department

SUBJECT: Boston Edison Co. Petitions at Meadowview

These petitions are for the removal of an existing pole and the installation of a new pole and conduit on Stow Street at the Meadowview subdivision. The work has already been completed under authority of the Town Manager as an emergency installation. This is the follow-up paperwork to formally grant the location.


Dennis P. Ring
Engineering Assistant II

[.93*79]

PETITION OF BOSTON EDISON COMPANY AND OTHER COMPANIES
FOR JOINT OR IDENTICAL LOCATIONS FOR POLES

To the BOARD OF SELECTMEN of the Town of ActonMassachusetts:

Respectfully represent BOSTON EDISON COMPANY and NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY companies subject to Chapter 166 of the General Laws (Ter. Ed.), that they desire to construct a line upon, along and across the public way or ways hereinafter specified.

WHEREFORE, your petitioners pray that after due notice and hearing as provided by law the Board may by Order grant your petitioners joint or identical locations for the erection or construction of poles, to be owned and used in common by them, and for such other fixtures including anchors and guys as may be necessary to sustain or protect the wires of the line, said poles to be located, substantially as shown on the plan made by F.J. Greenberg dated September 14, 1992, and filed herewith, upon, along and across the following public way or ways of said Town:

Robbins Street - northerly side approximately 1180 feet west of Stow Street.

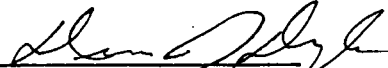
One (1) pole

One (1) existing pole to be removed

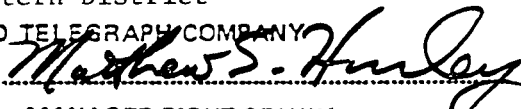
Public Hearing Required

Your petitioners agree to reserve space for one crossarm at a suitable point upon each of said poles for the telephone, fire and police signal wires owned by the Town and used for municipal purposes.

BOSTON EDISON COMPANY

By 
Denis Deagle - Supervisor
Rights, Permits & Survey
Western District

NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY

By 
MANAGER RIGHT OF WAY

Dated this 2nd day of November 1992

Town of ActonMassachusetts.

Received and filed 19.....

Acton
.....Board of Selectmen

**TOWN OF ACTON
NOTICE OF HEARING**

12/1/92 (3)

Notice is hereby given under Chapter 138 of the General Laws, that the Board of Selectmen will hold a hearing in Room 204 in the Acton Town Hall on December 1, 1992 7:45 P.M. on the application of Peter B. Masters, President, The Last National Wine Company, 18 Powdermill Road, Acton, for approval of a Transfer of Stock from Charles Bacon and Thomas Bacon and Pledge of License to Messrs. Bacon in conjunction with the All Alcoholic Beverages License issued to the above location.

Nancy E. Tavernier
Dore' F. Hunter
Anne B. Fanton
Norman D. Lake
William C. Mullin
ACTON BOARD OF SELECTMEN

TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (508) 264-9612
Fax (508) 264-9630

ancy E. Tavernier
Chairman

November 9, 1992

Mr. Peter Masters
The Last National Wine Company
18 Powdermill Road
Acton, MA 01720

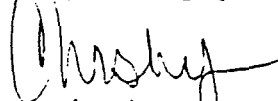
Dear Mr. Masters:

Enclosed please find a copy of an advertisement to appear in the Assabet Valley Beacon on Thursday, November 19, 1992 at your expense.

Upon reviewing your submission I discovered one form was not submitted that is required for a transfer of stock. I have enclosed a blank form 983 along with Mr. Bergeron's copy of this letter which needs to be completed and returned to my attention prior to the scheduled meeting on December 1, 1992.

If you have any questions, please feel free to call me at 264-9612.

Very truly yours,



Christine Joyce
Town Manager's Office

cc: file/last national
Gadbois & Bergeron

721ACS

November 9, 1992

Assabet Valley Beacon
20 Main Street
LEGAL DEPT.

BY FAX

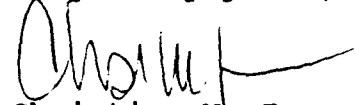
Attached please find a copy of advertisement to appear in your newspaper on Thursday, November 19, 1992 in the Legal Section.

Please send bill to:

Peter B. Masters
The Last National Wine Company
18 Powdermill Road
ACTON, MA 01720

Please send Two tear sheets to Town Manager's Office, 472 Main Street, Acton, MA for our records.

Very truly yours,



Christine M. Joyce
Town Manager's Office

cc: Peter Masters

GADBOIS & BERGERON

Attorneys at Law

27 PROSPECT STREET

MARLBORO, MASSACHUSETTS 01752

DAVID P. GADBOIS
ARTHUR P. BERGERON

TEL: (508) 481-0101
FAX: (508) 485-8506

November 3, 1992

Chairman and Members
Acton Board of Selectmen
Town Hall
Acton, Ma.

Re: Request for approval, transfer of shares of Last National Wine Co., Inc. and use of shares of corporation and License to Sell Alcoholic Beverages as collateral

Dear Chairman and Members:


I represent Thomas D. Bacon and Charles J. Bacon. They, along with Peter B. Masters, are the sole shareholders of Last National Wine Co., Inc., which holds a full package store license at 18 Powder Mill Rd. in Acton. The parties have entered into an agreement whereby my clients have agreed to sell all their shares in the corporation to Peter B. Masters, who is already the Manager. Mr. Masters is paying my client through the execution of two promissory notes, each one cosigned by the corporation. The parties have agreed to the notes and will be secured by the corporate shares which are being transferred and by a pledge of the license itself, among other things. Enclosed in the above-referenced matter please find the following:

- 1) completed APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE;
- 2) completed form CD-53;
- 3) completed form 997;
- 4) completed form C;
- 5) bank money order to ABCC in the amount of \$50;
- 6) certificate of corporate Clerk of Vote authorizing transfer of shares and use of shares and license as collateral;
- 7) a copy of the Agreement between the parties.

Please let me know the date and time of the meeting when you plan to act on this matter.

Very truly yours,

GADBOIS & BERGERON



Arthur P. Bergeron

APB/rd
7198b
Encs.

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

The Commonwealth of Massachusetts ALCOHOLIC BEVERAGES CONTROL COMMISSION

General questions to be answered by all applicants.
Please type or print legibly in ink.

Fee _____

Class of alcoholic beverages license: (check only ONE)

- ☐ Restaurant ☐ Restaurant-Commercial Club ☐ Innholder ☐ General On Premises ☐ Tavern ☐ Club
☒ Package Goods Store ☐ Other (specify): _____

Class of license: ☒ All Alcoholic Beverages ☐ Wine and Malt Beverages

Applicant is an ☐ Individual ☐ Partnership ☐ Limited Partnership ☒ Business Corporation
☐ Non-profit Corporation ☐ Other (specify): _____

4. If applicant is an individual, partnership, general partnership or limited partnership, state the following in a, b, and c:

a. For each person - FULL NAME HOME ADDRESS SOCIAL SECURITY NO.

b. Firm or trade name, address and telephone no: _____

c. Business name (d/b/a) if different: _____

Address: _____ Telephone no: _____

(If applicant has a d/b/a, applicant must include a copy of the certificate of doing business, required under Massachusetts General Law Chap 110, Sect. 5, regardless of which name will appear on the license)

5. If applicant is a corporation:

a. List the titles of all officers, the manager, and all members of the board directors. Below these list all stockholders (as defined in the instruction sheet). Then give the full name, home address and the number of shares of stock for each:

TITLE	FULL NAME	HOME ADDRESS	SOCIAL SECURITY NO.	NO. OF SHARES OF STOCK OWNED OR CONTROLLED IF ANY
Pres./Mgr.	Peter B. Masters	37 Peabody Dr. Stow, MA 01775	107-38-4115	1,000
Treas./Clerk	Thomas D. Bacon	47 Kent Dr. Hudson, MA 01749	021-44-8275	1,000
	Charles J. Bacon	6 Pearl St. Hudson, MA 01749	026-52-7679	1,000

ALL THE ABOVE ARE DIRECTORS

b. Corporation name: Last National Wine Co., Inc.

Address 18 Powdermill Rd., Acton, MA 01720 Telephone no. 879-5511

c. Business name (d/b/a) if different: _____

Address: _____ Telephone no: _____

(If applicant has a d/b/a, applicant must include a copy of the certificate of doing business required under Massachusetts General Law Chap. 110, Sect. 5, regardless of which name will appear on the license)

12. If applicant will be leasing the premises to be licensed, state:

b. Beginning date of lease

Ending date of lease

per Month

(MONTH, YEAR, ETC.)

13. a. State the names, addresses, and telephone numbers of all persons or entities who will have any direct or indirect beneficial or financial interest in this license, as required by Massachusetts General Law c. 138, s. 15A:

NAME

ADDRESS

TELEPHONE NUMBER

Peter B. Masters

37 Peabody Dr., Stow, MA

897-3140

b. Describe all types of financial and beneficial interest each person or entity will have in this license:

Peter B. Masters will own all shares

14. a. Does any person or entity listed in question 13 have any direct or indirect beneficial or financial interest in any other type of license granted under Mass. General Law 138? ☐ Yes ☒ No b. If yes, state for each person or entity:

NAME

TYPE OF LICENSE

LICENSE ADDRESS

DESCRIPTION OF INTEREST

15. a. Has any person or entity named in question 13 ever held a license under G.L. c. 138 which he/she/it does not presently hold? ☐ Yes ☒ No b. If yes, state for each:

NAME

TYPE OF LICENSE

LICENSE ADDRESS

DATE LICENSE GRANTED

16. a. Has any person or entity named in question 13 ever had his/her/its license revoked or cancelled? ☐ Yes ☒ No

b. If yes, state for each name the date and reasons why the license was revoked or cancelled:

17. Has any person or entity named in question 13 ever been convicted of violating any state or federal law? (exclude minor traffic violations) ☐ Yes ☒ No If yes, attach a statement of details.

18. If applicant is an individual, answer the following questions:

a. Are you a United States Citizen? ☐ Yes ☐ No b. Are you at least twenty years old? ☐ Yes ☐ No
(If yes provide a copy of birth, naturalization or registered voter certificate)

19. If applicant is a partnership, answer the following questions:

a. Are all the partners United States Citizens? ☐ Yes ☐ No b. Are all of the partners at least twenty years old? ☐ Yes ☐ No
(Provide copies of birth, naturalization or registered voter certificates for each partner)

QUESTIONS TO BE ANSWERED ONLY BY APPLICANTS FOR A PACKAGE GOODS STORE ALCOHOLIC BEVERAGES LICENSE

21. If applicant is an individual, is applicant a citizen and resident of the Commonwealth of Massachusetts? ☐ Yes ☐ No
22. If applicant is a partnership, are all partners citizens and residents of the Commonwealth of Massachusetts? ☐ Yes ☐ No
23. If applicant is a corporation:
- a. Is the corporation organized under the laws of the Commonwealth of Massachusetts? ☒ Yes ☐ No
- b. Are all the directors United States Citizens? ☒ Yes ☐ No
- c. Are a majority of the directors residents of the Commonwealth of Massachusetts? ☒ Yes ☐ No

PETITION FOR CHANGE OF LOCATION OR MANAGER

THE COMMONWEALTH OF MASSACHUSETTS

October 29, 19 92

To the

Licensing Board for the

The undersigned respectfully petition for

That Peter B. Masters, who is purchasing 1,000 shares of stock in Last National
Wine Co., Inc. from Thomas D. Bacon, and 1,000 shares of stock from Charles J.

Bacon, who is paying for said purchase with two Promissory Notes from

himself and Last National Wine Co., Inc. for \$90,000, one to Thomas D. Bacon

and one to Charles J. Bacon, be allowed to secure said notes with the said

shares and the license of Last National Wine Co., Inc.

x Thomas D. Bacon

x Charles J. Bacon

x Peter B. Masters

The Commonwealth of Massachusetts

MICHAEL JOSEPH CONNOLLY
Secretary of State
ONE ASEMBURTON PLACE, BOSTON, MASS. 02108

FEDERAL IDENTIFICATION
① NO. _____

CERTIFICATE OF CHANGE OF DIRECTORS OR OFFICERS OF DOMESTIC BUSINESS CORPORATIONS

General Laws, Chapter 156B, Section 53

② I, Thomas D. Bacon Clerk or Assistant Clerk of the
③ Last National Wine Co., Inc.
(Name of Corporation)
④ located at 18 Powder Mill Rd., Acton, MA
(Business Address of Corporation: Number and Street, City or Town)

hereby certify in compliance with the provisions of law, that a change in the officers of said corporation has been made, and that the names of the present officers are as follows:

Title	⑤A Name	⑤B Address Give Number and Street of Domicile	⑤C Expiration of Term of Office
President	Peter B. Masters	37 Peabody Dr., Stow	1/1/93
Treasurer	Thomas D. Bacon	47 Kent Dr., Hudson	1/1/93
Clerk	Thomas D. Bacon	47 Kent Dr., Hudson	1/1/93
Directors	Peter B. Masters	37 Peabody Dr., Stow	1/1/93
	Thomas D. Bacon	47 Kent Dr., Hudson	1/1/93
	Charles J. Bacon	6 Pearl St., Hudson	1/1/93

⑥ SUBSCRIBED THIS 29th day of October 1992 UNDER THE
PENALTIES OF PERJURY.

⑦ SIGNATURE Thomas D. Bacon Clerk or Assistant Clerk
Thomas D. Bacon

NOTE: Photocopies will not be accepted for filing.

FORM C

THIS FORM FOR FINANCING "CAPITALIZATION"

* IS LICENSE PART OF COLLATORAL? YES XX NO
(Using Liquor License to secure financing)

* THIS QUESTION MUST BE ANSWERED BEFORE THE FORM IS SUBMITTED

PURCHASE PRICE: \$180,000

WHAT WAS PURCHASED: shares of stock

SHARES OF STOCK: 2,000 shares, 1,000 from Thomas D. Bacon, 1,000 from Charles J. Bacon

ASSETS: none
(Building) (License)

OTHER ASSETS: none

WHO PURCHASED: Peter B. Masters

HOW FINANCED: purchase money note, license, inventory secured by stocks
(Cash - Loans - Mortgage - Bank - Seller - etc.)

PREMISES: leased
(Owned - Leased - Rented)

IF THIS IS A CLUB LICENSE, HAS THERE BEEN A "SALE" OR "DISSOLUTION"
OF CLUB? n/a CHANGE IN OFFICERS OR CLUB ORGANIZATION? n/a

ANY ADDITIONAL INFORMATION THAT YOU MAY HAVE THAT WOULD HELP THE
COMMISSION IN DETERMINING THE STATUS OF THIS APPLICATION:

purchaser is and has been the manager and President for several years.

IT IS IMPORTANT TO KEEP ALL INFORMATION CONFIDENTIAL.

 Signature of Investigator Date

CERTIFICATE OF VOTE

I, Thomas D. Bacon, Clerk of Last National Wine Co., Inc., hereby certify that at a Special meeting of the shareholders and directors of the corporation, held at the corporation's offices at 18 Powder Mill Rd., Acton, Ma. on Sept. 1, 1992 at 9:00 A.M., all shares and all directors being present and voting, and all shares having waived notice of said special meeting, upon motion duly made and rescinded, it was unanimously VOTED:

- 1) To authorize the purchase by Peter B. Masters of 1,000 of the shares of the corporation from Thomas D. Bacon, and to authorize the purchase by Peter B. Masters of 1,000 shares of the corporation from Charles J. Bacon, on the terms specified in a certain Agreement among the parties dated Sept. 1, 1992.
- 2) To authorize the pledging of the license of the corporation to sell alcoholic beverages, and to authorize the pledge of the above-described shares of the corporation, to secure the payment by the said Peter B. Masters of two promissory notes from the corporation and the said Peter B. Masters, each in the amount of \$90,000, one to Thomas D. Bacon and the other to Charles J. Bacon.
- 3) To authorize Peter B. Masters, as President of the corporation, to execute all documents and of all things necessary to effect said agreement.
- 4) To authorize Thomas D. Bacon, as Treasurer of the corporation, to make all necessary applications to the appropriate licensing authorities to cause the authorization of the actions specified in said agreement.

Witness my hand and seal this 1st day of September, 1992.



Witness



Thomas D. Bacon, Clerk

The Commonwealth of Massachusetts

Town OF Acton

November 17, 19 92

TO THE LICENSING BOARD

The undersigned licensee, Last National Wine Co., Inc.
 respectfully petitions for the transfer of the 2,000 shares of corporate stock of
 (Class of License)
 all alcoholic beverages license now exercised by the said licensee on the premises located at.....
18 Powder Mill Rd., Acton, MA
 to Peter B. Masters
 whose address is Peabody Drive, Stow, MA

(If present licensee is a corporation, fill in the following paragraph)

The said licensee is a corporation duly organized under the laws of the Commonwealth of Massachusetts, and its officers, directors and stockholders, their residences and shares owned by each are as follows:

(NAME)	(ADDRESS)	(SHARES)
FROM: Peter B. Masters	Peabody Dr., Stow, MA	1,000
President		
Thomas D. Bacon		1,000
Treasurer		
Clerk		
Charles J. Bacon (Director)		1,000

(If proposed transferee is a corporation, fill in the following paragraph.)

The proposed transferee is a corporation duly organized under the laws of said Commonwealth and having a usual place of business in said Acton, and its officers, directors and stockholders, their residences, and shares owned by each are as follows:

(NAME)	(ADDRESS)	(SHARES)
TO: Peter B. Masters	Peabody Dr., Stow, MA	3,000
President		
Thomas D. Bacon	Peabody Dr., Stow, MA	1,000
Treasurer		
Charles J. Bacon	Peabody Dr., Stow, MA	1,000
Clerk		

The above named proposed transferee hereby joins in this petition for transfer of said license, and respectfully petitions the Board to grant such transfer.

SIGNATURE OF LICENSEE.....
 (If a corporation, by its authorized representative) Peter B. Masters, President

SIGNATURE OF PROPOSED TRANSFEEE.....
 (If a corporation, by its authorized representative)

Peter B. Masters

Thomas D. Bacon

Charles J. Bacon

12/1/92
TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (508) 264-9612
Fax (508) 264-9630

④

Nancy E. Tavernier
Chairman

November 13, 1992

Mr. Samuel G. Sawyer
41 Minuteman Road
Acton, MA 01720

Dear Mr. Sawyer:

The Board of Selectmen has received, in writing, a complaint that dogs which you own or harbor are a nuisance by reason of Excessive barking. In accordance with the provisions of Chapter 140, Section 157 of the Mass General Laws, you are hereby notified that the Board of Selectmen will conduct an investigation of this complaint on Tuesday, December 1, 1992, in room 204 of the Acton Town Hall at 8:00 P.M. A copy of M.G.L. Chapter 140, section 157 is attached for your information. You are encouraged to attend the hearing and be prepared to testify in this matter.

Very truly yours,



Don P. Johnson
Town Manager

enc.

cc: Police Dept.
Dog Officer
Mr. & Mrs. Conley

Section 154. (Repealed - 1934, 320.)

Section 155. Liability for damage to persons or property. If any dog shall do any damage to either the body or property of any person, the owner or keeper, or if the owner or keeper be a minor, the parent or guardian of such minor, shall be liable for such damage, unless such damage shall have been occasioned to the body or property of a person who, at the time such damage was sustained, was committing a trespass or other tort, or was teasing, tormenting or abusing such dog. If a minor, on whose behalf an action under this section is brought, is under seven years of age at the time the damage was done, it shall be presumed that such minor was not committing a trespass or other tort, or teasing, tormenting or abusing such dog, and the burden of proof thereof shall be upon the defendant in such action.

Section 155A. Indemnification of law enforcement officers for damages caused by dogs kept by them. If an action is brought against a law enforcement officer because of damage caused by a dog which said officer was caring for or maintaining in connection with his official duties, the commonwealth or the political subdivision employing the officer shall indemnify him for expenses or damages incurred in the settlement or defense of such action; provided that in the case of an officer employed by the commonwealth the settlement or defense of the case shall have been made by the attorney general, and that in the case of an officer employed by a city or town such settlement or defense shall have been made by the city solicitor or town counsel or by an attorney legally employed for the purpose by a city or town.

Section 156. Any person may kill dog, under certain conditions. Any person may kill a dog which suddenly assaults him while he is peaceably standing, walking or riding outside the enclosure of its owner or keeper, and any person may kill a dog found out of the enclosure of its owner or keeper and not under his immediate care in the act of worrying, wounding or killing persons, live stock or fowls, and if any person shall kill or attempt to kill a dog so found, and in the act of worrying, wounding or killing persons, live stock or fowls, he shall not be held liable for cruelty to the dog unless it shall be shown that he intended to be cruel to the dog, or that he acted with wanton and reckless disregard for the suffering of the dog. Prompt killing of a wounded dog, or a prompt report to the owner or to a dog officer of the wounding of the dog, shall be considered evidence of sufficient regard for the suffering of the dog.

Section 157. Vicious dogs; nuisance; barking or other disturbance; annoyance to sick person; attack on other dogs. If any person shall make complaint in writing to the selectmen of a town, the chief of police of a city, or the county commissioners, that any dog owned or harbored within his or their jurisdiction is a nuisance by reason of vicious disposition or excessive barking or other disturbance, or that any such dog by such barking or other disturbance is a source of annoyance to any sick person residing in the vicinity such selectmen, chief of police or county commissioners shall investigate or cause to be investigated such complaint, including an examination on oath of the complainant, and may

1, 320.)

age to persons or property. If any dog shall property of any person, the owner or keeper, r, the parent or guardian of such minor, shall c mage shall have been occasioned to the at the time such damage was sustained, was or was teasing, tormenting or abusing such action under this section is brought, is under nage was done, it shall be presumed that such ass or other tort, or teasing, tormenting or proof thereof shall be upon the defendant in

of law enforcement officers for damages action is brought against a law enforcement y a dog which said officer was caring for or official duties, the commonwealth or the officer shall indemnify him for expenses or defense of such action; provided that in the commonwealth the settlement or defense of e attorney general, and that in the case of an such settlement or defense shall have been unseel or by an attorney legally employed for

kill dog, under certain conditions. Any assaults him while he is peaceably standing, re of its owner or keeper, and any person may e of its owner or keeper and not under his g, wounding or killing persons, live stock or attempt to kill a dog so found, and in the act s live stock or fowls, he shall not be held d be shown that he intended to be cruel ton and reckless disregard for the suffering ded dog, or a prompt report to the owner or f the dog, shall be considered evidence of the dog.

uisance; barking or other disturbance; on other dogs. If any person shall make of a town, the chief of police of a city, or the ned or harbored within his or their jurisdiction disposition or excessive barking or other uch barking or other disturbance is a source ling in the vicinity such selectmen, chief of investigate or cause to be investigated such on oath of the complainant, and may

make such order concerning the restraint or disposal of such dog as may be deemed necessary. Within ten days after such order the owner or keeper of such dog may bring a petition in the district court within the judicial district of which the dog is owned or kept, addressed to the justice of the court, praying that the order may be reviewed by the court, or magistrate thereof, and after such notice to the officer or officers involved as the magistrate deems necessary the magistrate shall review such action, hear the witnesses and affirm such order unless it shall appear that it was made without proper cause or in bad faith, in which case such order shall be reversed. Any party shall have the right to request a de novo hearing on the petition before a justice of the court. The decision of the court shall be final and conclusive upon the parties. Any person owning or harboring such dog who shall fail to comply with any order of the selectmen, chief of police, county commissioners or district court, as the case may be shall be punished by a fine of not more than twenty-five dollars for the first offense and not more than one hundred dollars for a second or subsequent offense, or by imprisonment for not more than thirty days, for the first offense and not more than sixty days for a second or subsequent offense, or both.

The act of a dog in attacking or biting another dog or other animal may be made the subject of a complaint under the provisions of this section.

Magistrates shall exercise their authority hereunder subject to the limitations of section sixty-two C of chapter two hundred and twenty-one.

Section 158. Killing of vicious dogs. Any police officer, constable or dog officer shall kill a dog which the selectmen of the town, chief of police of a city, or the county commissioners, or, upon review, the district court, shall have ordered to be restrained if such dog is again found outside the enclosure of its owner or keeper and not under his immediate care, and may kill a dog which is living in a wild state.

Section 159. Treble damages for injuries caused by dogs ordered to be restrained. If a dog which the selectmen of a town, chief of police of a city or the county commissioners, or upon review, a district court, shall have ordered to be restrained shall wound any person, or shall worry, wound or kill any live stock or fowls, the owner or keeper of such dog shall be liable in tort to the person injured thereby in treble the amount of damages sustained by him.

Section 160. Killing dogs which have worried or killed stock or fowl; unless bond is given. The county commissioners of any county, the mayor of any city, the selectmen of any town, or their agents thereto authorized in writing, may, after written notice to the owner or keeper enter upon the premises of the owner or keeper of any dog known to them to have worried or killed live stock or fowls, and then and there kill such dog, unless such owner or keeper whose premises are thus entered for the said purpose shall give a bond in the sum of two hundred dollars, with sufficient sureties, approved by the county commissioners, conditioned that the dog shall be restrained for twelve months next ensuing. And if the owner or keeper of the dog declares his intention to give such a bond, said selectmen, chief of police or county commissioners, as the case may be, or his or

Commonwealth of Massachusetts

Complaint of Vicious or Barking Dogs

Section 157, Chapter 140, General Laws

TO SELECTMEN
CHIEF OF POLICE
COUNTY COMMISSIONERS

City or Town of Acton Date October 9, 1992

I hereby make complaint hereon, that a dog or dogs owned or harbored by

Samuel G. Sawyer, 41 Minuteman Road, Acton, Massachusetts

Name
residing in my vicinity on or near 15 Simon Willard Road, Acton, MA
Address
Street or Locality

is a nuisance by reason of:—

1. Vicious disposition.

State facts here.

2. Excessive barking.

State facts here The barking is usually intermittent in the morning, building to a more constant level by dinner. When the dogs hear a voice or see anyone walking down Simon Willard Rd, which is often, they bark.

3. Other disturbance. The Sawyer's dogs seem to be confined to the pen 24 hrs a day. The dog pen is directly behind our property, near the property line. When we have guests come into our driveway

4. Source of annoyance to a sick person residing in the vicinity.

(cont on back)

State facts here.

This complaint is made under the penalties of perjury.

Complainant's signature and address

James E. Conley

15 Simon Willard Road, Acton, MA

(cont.)

or walk into our home, they bark. We can no longer use our yard or porch, and are forced to keep our windows closed, even in the heat of the summer. The dogs do not seem to be taken in at night and have awoken us several times between the hours of 2 A.M. & 7 A.M. The dogs appear to be left in the pen for long periods of time, with no one at home, they get angry & vicious, at which time they are constantly barking and growling.

We have also had, at times, a problem with a foul odor coming into our yard and home, from the direction of the Sawyer's dog pen.

Section 157, Chapter 140, General Laws

that _____ Date _____ shall investigate forthwith such complaint including an examination of facts and conditions as exist in connection with the case and hereon make a report of your findings to me — us.

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Report filed _____ 19____
(date)

Notes of Decisions

Defense of fowls 1

Watch dogs 2

sonable cause to believe killing was necessary. *Livermore v. Batchelder* (1886) 5 N.E. 275, 141 Mass. 179.

1. Defense of fowls

Since P.S.1882, c. 102, § 94, did not take away an owner's common-law right to kill a dog in defense of his property, one was justified in killing another's dog which was killing his hens, where he believed it necessary to prevent the killing. *Nesbett v. Wilbur* (1900) 58 N.E. 586, 177 Mass. 200.

Defendant was not justified in killing plaintiff's dog, believing that it was about to maim and kill defendant's hens, unless he had rea-

2. Watch dogs

One keeping for the protection of his family a dog duly licensed and collared, and confined so as not to endanger persons properly on his message, could recover its market value as a watch dog, from a neighbor who killed it there without being attacked by it, although it was a dangerous animal, and accustomed to bite those who came near it. *Uhlein v. Cromack* (1872) 109 Mass. 273.

§ 157. Vicious dogs; nuisance; barking or other disturbance; annoyance to sick person; attacks on other dogs

If any person shall make complaint in writing to the selectmen of a town, the chief of police of a city, or the county commissioners, that any dog owned or harbored within his or their jurisdiction is a nuisance by reason of vicious disposition or excessive barking or other disturbance, or that any such dog by such barking or other disturbance is a source of annoyance to any sick person residing in the vicinity such selectmen, chief of police or county commissioners shall investigate or cause to be investigated such complaint, including an examination on oath of the complainant, and may make such order concerning the restraint or disposal of such dog as may be deemed necessary. Within ten days after such order the owner or keeper of such dog may bring a petition in the district court within the judicial district of which the dog is owned or kept, addressed to the justice of the court, praying that the order may be reviewed by the court, or magistrate thereof, and after such notice to the officer or officers involved as the magistrate deem necessary the magistrate shall review such action, hear the witnesses and affirm such order unless it shall appear that it was made without proper cause or in bad faith, in which case such order shall be reversed. Any party shall have the right to request a de novo hearing on the petition before a justice of the court. The decision of the court shall be final and conclusive upon the parties. Any person owning or harboring such dog who shall fail to comply with any order of the selectmen, chief of police, county commissioners or district court, as the case may be shall be punished by a fine of not more than twenty-five dollars for the first offense and not more than one hundred dollars for a second or subsequent offense, or by imprisonment for not more than thirty days, for the first offense and not more than sixty days for a second or subsequent offense, or both.

The act of a dog in attacking or biting another dog or other animal may be made the subject of a complaint under the provisions of this section.

Magistrates shall exercise their authority hereunder subject to the limitations of section sixty-two C of chapter two hundred and twenty-one.

Amended by St.1934, c. 320, § 20; St.1976, c. 530; St.1978, c. 478, § 73; St.1985, c. 455

St.1791,
R.S.1836

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Attacks on li
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1. Nuisance

Complaint a
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Keeler (1967) 2

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those the Appeals
the language set
as in other equity
ellate jurisdiction

141 (1983). The
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clear that de novo

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Appellate Proce-
Rule 4 (thirtyday
ular, see Rule 8(b)
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Appeals of Fitch-
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erg v. Nickerson,

CHAPTER 27

DOG DISTURBANCE APPEALS

- § 27.1 Complaint to Appropriate Authority
- § 27.2 District Court Jurisdiction
- § 27.3 Applicable Rules
- § 27.4 — Notice
- § 27.5 — Standard of Review before Magistrate
- § 27.6 — De Novo Review by District Court Judge
- § 27.7 Nature of Court Order
- § 27.8 Failure to Comply with Order
- § 27.9 Appeal from District Court

§ 27.1 Complaint to Appropriate Authority.

Under G.L. c. 140, § 157, a person may make a written complaint to (1) the selectmen of a town, (2) the chief of police of a city, or (3) the county commissioners that a dog "owned or harbored" within that jurisdiction is a nuisance by reason of vicious disposition, excessive barking, or other disturbance (or is an annoyance to a sick person), or has attacked or bitten another dog or animal.

The recipient of such a complaint, after investigating the matter and examining the complainant under oath, may order the restraint or disposal of the dog.¹

§ 27.2 District Court Jurisdiction.

Within ten days after an order of restraint or disposal, the owner or keeper of the dog may "bring" a petition in the District Court within the judicial district of which the dog is owned or kept seeking review of the order.

The petition must be addressed to the justice of the court and request that the order be reviewed by the court or by a magistrate. However, the statute requires that the matter be heard initially by a magistrate. G.L. c. 140, § 157.²

§ 27.3 Applicable Rules.

The Dist./Mun. Cts. R. Civ. P. do not apply to dog disturbance appeals.³ However, Rule 186 of the Dist./Mun. Cts. Supp. R. Civ. P. contains provisions governing procedure in such cases.⁴

1. A person injured by a dog which has been ordered to be restrained may sue for triple damages. G.L. c. 140, § 159; *Carmel v. Grandbois*, 25 Mass. App. Ct. 1000, 522 N.E.2d 428 (1988)(rescript). An order under G.L. c. 140, § 157, must be distinguished from a citation issued by a dog officer. *Id.*
2. The magistrate (or judge on appeal, see § 27.6) may wish to consider referral of these cases to community mediation, if such a program is available to the court.
3. The statute, G.L. c. 140, § 157, uses the term "petition," which suggests that the Dist./Mun. Cts. R. Civ. P. are not applicable. See also Rule 81(a), Dist./Mun. Cts. R. Civ. P., indicating that those rules do not apply to these procedures.
4. Supplemental Rule 186 provides for a form for petitions for review to be prescribed by

§ 27.4 — Notice.

Appropriate notice to the public official or officials involved,⁵ as ordered by the magistrate, must be given prior to District Court review.

§ 27.5 — Standard of Review before Magistrate.

The statute provides that "the magistrate shall review such action, hear the witnesses and affirm such order unless it shall appear that it was made without proper cause or in bad faith, in which case such order shall be reversed." G.L. c. 140, § 157.

The procedure for the magistrate's review is set forth in Rule 186 of the Dist./Mun. Cts. Supp. R. Civ.⁶

§ 27.6 — De Novo Review by District Court Judge.

The statute permits any "party" (presumably, the owner or keeper of the dog or the public official involved) to request a de novo hearing before the court. The request must be received within ten days after entry of the magistrate's decision. Rule 186, Dist./Mun. Cts. Supp. R. Civ. P., fourth paragraph.

§ 27.7 Nature of Court Order.

The statute expressly refers only to the magistrate, or judge on appeal, "affirming" the order of the selectmen, police chief, or county commissioners, or "reversing" it. However, the statutory provisions regarding enforcement refer to penalties for any person owning or harboring a dog who shall fail to comply "with any order of [the municipal authority] or district court, as the case may be." The latter provision may be read to imply that the magistrate or judge can issue an order other than the one under appeal.

For example, in a case where the municipality has ordered the "disposal" of the dog, the magistrate may instead order that the dog be removed from the vicinity in lieu of being disposed. Such a change in the terms of an order under appeal could be viewed as an offer of an alternative to the dog owner in the context of a "continuance." In other words, the magistrate or judge might indicate that, having found no basis to reverse the original order, he or she will continue the matter (*i.e.*, not make the actual judgment "affirming" it) on condition that the owner take some alternative action. However, such an attempt to issue a compromise order would appear to require the consent of the municipal authority whose order is under appeal.

the Chief Justice of the District Court Department. The rule also prescribes procedure before the magistrate and the District Court judge.

5. Apparently the complainant who sought the restraint or disposal is not entitled to notice. This may be analogous to a criminal case, where the complaining person is not a party to the case. Rather, it is the state, or in the case of a dog appeal, the public official, who represents the interests of the complainant and the public at large. On the other hand, there is nothing to prohibit notice to the complainant, and the latter's testimony may be helpful.
6. Supplemental Rule 186 states that the rules of evidence do not apply; witnesses are to be sworn and cross-examination permitted. Further, the hearing shall be recorded electronically, subject to the availability of recording equipment.

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§ 27.8 Failure to Comply with Order.

A person who fails to comply with an order concerning the restraint or disposal of a dog, whether issued by the appropriate public official or by the District Court, may be punished by a fine or imprisonment, as set forth in G.L. c. 140, § 157.

In addition, both civil and criminal contempt proceedings may be available to compel compliance with a District Court order concerning restraint or disposal of a dog.⁷

§ 27.9 Appeal from District Court.

Because the statute provides that the "decision of the court shall be final and conclusive upon the parties," it has been held that there is no right to appeal a District Court decision issued under G.L. c. 140, § 157.⁸

However, relief by an action in the nature of certiorari in the Superior Court or the Supreme Judicial Court apparently is available.⁹

7. *D'Entremont v. Melchionna*, 1987 Mass. App. Div. 179.

8. *Id.* (holding that there is no appeal to the Appellate Division of the District Courts under G.L. c. 140, § 157).

9. G.L. c. 249, § 4.

To: Acton Police Department
Lt. McNiff
Acton, MA

October 27, 1992

RE: Connolley / Sawyer barking dogs situation

As requested I have documented and attached all calls received by myself relative to the above situation. From January, 1991 through October, 1992 I have received 20 calls regarding Sawyer's dogs barking. I contacted both Mrs. Connolley and Mr/Mrs Sawyer attempting to resolve this matter on every call/complaint received.

If you have any further questions please let me know.

Regards,

A handwritten signature in cursive script, appearing to read "Les Boardman".

Les Boardman
Acton Dog Officer

ANIMAL CALL RECORD

TOWN: ACTON

(Sawyer barking dog situation)

(Circle One) **Lost/Found/Complaint/Bite**

Call Taken By: Joyce

Date: 1/5/91 **Time:** 7:00 **am/pm**

Notified By: Police

Caller's Name: See below

Address: **Tel:**

Type Dog: **Color:** **Collar?** **Male/Female**

License #: **Year:** **Town:** **Quarantine Date:**
(If Applicable)

Owner's Name: Sam Sawyer **Address:** 41 Minuteman **Tel:** 263-2063

Description of Problem/Action Taken:

Caller refused to give name to police, complaint regarding Sawyer's dogs barking all night. Les contacted Mr Sawyer informed him of the complaint received.

(Circle One) **Lost/Found/Complaint/Bite**

Call Taken By: Joyce

Date: 1/7/91 **Time:** 7:10 **am/pm**

Notified By: Police

Caller's Name: See below

Address: **Tel:**

Type Dog: **Color:** **Collar?** **Male/Female**

License #: **Year:** **Town:** **Quarantine Date:**
(If Applicable)

Owner's Name: Sam Sawyer **Address:** 41 Minuteman **Tel:** 263-2063

Description of Problem/Action Taken:

Caller would not give police their name; complaint regarding Sawyer's dogs barking all night, (2-Rotweilers). Les spoke with Mr. Sawyer again, informed him he must keep both dogs quiet.

(Circle One) **Lost/Found/Complaint/Bite**

Call Taken By: Joyce

Date: 1/19/91 **Time:** 7:30 **am/pm**

Notified By: Police

Caller's Name: See below

Address: **Tel:**

Type Dog: **Color:** **Collar?** **Male/Female**

License #: **Year:** **Town:** **Quarantine Date:**
(If Applicable)

Owner's Name: Sam Sawyer **Address:** 41 Minuteman **Tel:** 263-2063

Description of Problem/Action Taken:

Caller would not give name to police, complaint regarding Sawyer's dogs barking all night. Les informed Mr Sawyer of complaint received.

ANIMAL CALL RECORD

TOWN: ACTON

((Sawyer barking dogs

(Circle One) Lost/Found/Complaint/Bite

Call Taken By: situation Joyce

Date: 4/4/91 Time: 7:00 am/pm

Notified By: Police

Caller's Name: Cathy Connelley Address: _____ Tel: 264-0059

Type Dog: _____ Color: _____ Collar? _____ Male/Female

License #: _____ Year: _____ Town: _____ Quarantine Date: _____
(If Applicable)

Owner's Name: Sam Sawyer Address: 41 Minuteman Tel: 263-2063

Description of Problem/Action Taken: _____

Complaint that Sawyer's dogs have been barking steady since 4:00 pm.
Les attempted to reach Sawyer's no one home. (9:09 PM).

(Circle One) Lost/Found/Complaint/Bite

Call Taken By: _____

Date: 4/5/91 Time: _____ am/pm

Notified By: _____

Caller's Name: _____ Address: _____ Tel: _____

Type Dog: _____ Color: _____ Collar? _____ Male/Female

License #: _____ Year: _____ Town: _____ Quarantine Date: _____
(If Applicable)

Owner's Name: _____ Address: _____ Tel: _____

Description of Problem/Action Taken: _____

Les spoke with Joyce Sawyer states her dogs were not barking from 4:30
-5:00 PM on 4/4/91, and from 7:00 PM to 9:00 AM dogs were in garage!

(Circle One) Lost/Found/Complaint/Bite

Call Taken By: Les

Date: 4/24/91 Time: 7:00 am/pm

Notified By: Police

Caller's Name: Mrs. Conley Address: _____ Tel: 264-0059

Type Dog: _____ Color: _____ Collar? _____ Male/Female

License #: _____ Year: _____ Town: _____ Quarantine Date: _____
(If Applicable)

Owner's Name: Sam Sawyer Address: 41 Minuteman Tel: 263-2063

Description of Problem/Action Taken: _____

Complaint that Sawyers dogs have been barking for past 3 hours (4:00 PM -
7:00 PM). Les spoke with Sawyer's informed them that they must keep
the dogs quiet.

ANIMAL CALL RECORD(Sawyer barking dog
situation)**TOWN:** ACTON**(Circle One) Lost/Found/Complaint/Bite****Call Taken By:** Les**Date:** 7/6/91 **Time:** 7:15 **am/pm****Notified By:** Police**Caller's Name:** Mrs. Conley **Address:** _____ **Tel:** 264-0059**Type Dog:** _____ **Color:** _____ **Collar?** _____ **Male/Female****License #:** _____ **Year:** _____ **Town:** _____ **Quarantine Date:** _____

(If Applicable)

Owner's Name: Sam Sawyer **Address:** 41 Minuteman **Tel:** 263-2063**Description of Problem/Action Taken:** _____Omplaint that on 7/5/91 Sawyers dogs were barking when no one was at home. Sawyer's were informed of complaint received.**(Circle One) Lost/Found/Complaint/Bite****Call Taken By:** Joyce**Date:** 7/25/91 **Time:** 7:05 **am/pm****Notified By:** Police**Caller's Name:** Kathy Connelley **Address:** _____ **Tel:** 264-0059**Type Dog:** _____ **Color:** _____ **Collar?** _____ **Male/Female****License #:** _____ **Year:** _____ **Town:** _____ **Quarantine Date:** _____

(If Applicable)

Owner's Name: Sam Sawyer **Address:** 41 Minuteman **Tel:** 263-2063**Description of Problem/Action Taken:** _____Caller/complaintant stated "you would know why she's calling" Les spoke with Mrs. Connelley, Sawyer's dogs had been barking from 12:00 PM to 2:00 AM. Sawyer advised of complaint received.**(Circle One) Lost/Found/Complaint/Bite****Call Taken By:** Les**Date:** 7/27/91 **Time:** 7:30 **am/pm****Notified By:** Police**Caller's Name:** Conley **Address:** 15 Simon Willard **Tel:** 264-0059**Type Dog:** _____ **Color:** _____ **Collar?** _____ **Male/Female****License #:** _____ **Year:** _____ **Town:** _____ **Quarantine Date:** _____

(If Applicable)

Owner's Name: Sam Sawyer **Address:** 41 Minuteman **Tel:** 263-2063**Description of Problem/Action Taken:** _____Complaint that Sawyers dogs are barking. Police sent cruiser to location at 23:25 dogs barking, 23:55 heard nothing.

ANIMAL CALL RECORD

(Sawyer dog barking situation)

TOWN: ACTON

(Circle One) **Lost/Found/Complaint/Bite**

Call Taken By: Les

Date: 8/30/91 Time: 7:10 am/pm Notified By: Police

Caller's Name: Connelley Address: 15 Simon Willard Tel: 264-0059

Type Dog: _____ Color: _____ Collar? _____ Male/Female

License #: _____ Year: _____ Town: _____ Quarantine Date: _____

(If Applicable)

Owner's Name: Sam Sawyer Address: 41 Minuteman Tel: 263-2063

Description of Problem/Action Taken: _____

Complaint that Sawyers dogs were continously barking.

(Circle One) **Lost/Found/Complaint/Bite**

Call Taken By: Les

Date: 3/31/92 Time: 7:15 am/pm Notified By: Police

Caller's Name: Sam Sawyer Address: 41 Minuteman Tel: 263-2063

Type Dog: _____ Color: _____ Collar? _____ Male/Female

License #: _____ Year: _____ Town: _____ Quarantine Date: _____

(If Applicable)

Owner's Name: _____ Address: _____ Tel: _____

Description of Problem/Action Taken: _____

Complaint that someone contacted him stating his dogs were barking, he stated his dogs were in at 6:30 PM.

(Circle One) **Lost/Found/Complaint/Bite**

Call Taken By: Les

Date: 4/2/92 Time: 6:26 am/pm Notified By: Police

Caller's Name: Connelley Address: 15 Simon Willard Tel: 264-0059

Type Dog: _____ Color: _____ Collar? _____ Male/Female

License #: _____ Year: _____ Town: _____ Quarantine Date: _____

(If Applicable)

Owner's Name: Sam Sawyer Address: 41 Minuteman Tel: 263-2063

Description of Problem/Action Taken: _____

Complaint that Sawyer's dogs were barking.

ANIMAL CALL RECORD(Sawyer dogs barking
situation)**TOWN:** ACTON**(Circle One) Lost/Found/Complaint/Bite****Call Taken By:** Les

Date: 4/23/92 **Time:** 7:30 **am/pm**
Caller's Name: Connelley **Address:** 15 Simon Willard **Tel:** 264-0059
Type Dog: _____ **Color:** _____ **Collar?** _____ **Male/Female**
License #: _____ **Year:** _____ **Town:** _____ **Quarantine Date:** _____
(If Applicable)

Owner's Name: Sam Sawyer **Address:** 41 Minuteman **Tel:** 263-2063

Description of Problem/Action Taken: _____
Complaint that Sawyer's dogs are barking. Les spoke with Sawyer he
stated he brought the dogs inside.

(Circle One) Lost/Found/Complaint/Bite**Call Taken By:** Joyce

Date: 5/9/92 **Time:** 6:20 **am/pm**
Caller's Name: Mrs. Connelley **Address:** 15 Simon Willard **Tel:** 264-0059
Type Dog: _____ **Color:** _____ **Collar?** _____ **Male/Female**
License #: _____ **Year:** _____ **Town:** _____ **Quarantine Date:** _____
(If Applicable)

Owner's Name: Sam Sawyer **Address:** 41 Minuteman **Tel:** 263-2063

Description of Problem/Action Taken: _____
Complaint that Sawyer's dogs were barking non stop the previous night,
call came into Police at 9:30 PM on 5/8/92.

(Circle One) Lost/Found/Complaint/Bite**Call Taken By:** Les

Date: 5/21/92 **Time:** 7:00 **am/pm**
Caller's Name: Mrs. Connolley **Address:** 15 Simon Willard **Tel:** 264-0059
Type Dog: _____ **Color:** _____ **Collar?** _____ **Male/Female**
License #: _____ **Year:** _____ **Town:** _____ **Quarantine Date:** _____
(If Applicable)

Owner's Name: Sam Sawyer **Address:** 41 Minuteman **Tel:** 263-2063

Description of Problem/Action Taken: _____
Complaint that Sawyer's dogs were barking. Les attempted to contact
Sawyer's at 7:15 PM, no answer.

ANIMAL CALL RECORD(Sawyer dogs barking
situation)**TOWN:** ACTON**(Circle One) Lost/Found/Complaint/Bite****Call Taken By:** Les

Date: 5/22/92 **Time:** 7:10 **am/pm** **Notified By:** Police
Caller's Name: Connelley **Address:** 15 Simon Willard **Tel:** 264-0059
Type Dog: _____ **Color:** _____ **Collar?** _____ **Male/Female**
License #: _____ **Year:** _____ **Town:** _____ **Quarantine Date:** _____
(If Applicable)

Owner's Name: Sam Sawyer **Address:** 41 Minuteman **Tel:** 263-2063**Description of Problem/Action Taken:** _____Complaint that Sawyers dogs were/are barking.Les contacted Sawyer informed them of complaint received.**(Circle One) Lost/Found/Complaint/Bite****Call Taken By:** Joyce

Date: 7/16/92 **Time:** 7:30 **am/pm** **Notified By:** Disp. Taylor/Police
Caller's Name: Connelley **Address:** 15 Simon Willard **Tel:** 264-0059
Type Dog: _____ **Color:** _____ **Collar?** _____ **Male/Female**
License #: _____ **Year:** _____ **Town:** _____ **Quarantine Date:** _____
(If Applicable)

Owner's Name: Sam Sawyer **Address:** 41 Minuteman **Tel:** 263-2063**Description of Problem/Action Taken:** _____Sawyer's dogs constantly barking on Minuteman, again! Les spoke with
Sawyer informed him of complaint.**(Circle One) Lost/Found/Complaint/Bite****Call Taken By:** Joyce

Date: 8/20/92 **Time:** 7:00 **am/pm** **Notified By:** Disp. Taylor/Police
Caller's Name: Connelley **Address:** 15 Simon Willard **Tel:** 264-0059
Type Dog: _____ **Color:** _____ **Collar?** _____ **Male/Female**
License #: _____ **Year:** _____ **Town:** _____ **Quarantine Date:** _____
(If Applicable)

Owner's Name: Sam Sawyer **Address:** 41 Minuteman **Tel:** 263-2063**Description of Problem/Action Taken:** _____Wants to speak with Les has questions on what can be done relative to
Sawyer situation, (barking dogs). Les explained dog laws in Acton
and that if she wanted to bring the situation to court she could do so.

ANIMAL CALL RECORD (Sawyer barking dogs situation)

TOWN: ACTON

(Circle One) Lost/Found/Complaint/Bite

Call Taken By: Les

Date: 9/8/92 **Time:** 8:30 **am/pm** **Notified By:** Police

Caller's Name: Connelley **Address:** 15 Simon Willard **Tel:** 264-0059

Type Dog: _____ **Color:** _____ **Collar?** _____ **Male/Female**

License #: _____ **Year:** _____ **Town:** _____ **Quarantine Date:** _____

(If Applicable)

Owner's Name: Sam Sawyer **Address:** 41 Minuteman **Tel:** 263-2063

Description of Problem/Action Taken: _____

Complaint that Sawyers dogs are barking. Les logged complaint and spoke with Connelley and Sawyer. Police requested to respond to next call.

(Circle One) Lost/Found/Complaint/Bite

Call Taken By: Joyce

Date: 10/7/92 **Time:** 8:00 **am/pm** **Notified By:** Disp.Howe/Police

Caller's Name: Connelley **Address:** 15 Simon Willard **Tel:** 264-0059

Type Dog: _____ **Color:** _____ **Collar?** _____ **Male/Female**

License #: _____ **Year:** _____ **Town:** _____ **Quarantine Date:** _____

(If Applicable)

Owner's Name: Sam Sawyer **Address:** 41 Minuteman **Tel:** 263-2063

Description of Problem/Action Taken: _____

Compalint that Sawyers dogs are barking, (call came into Police at 5:41 PM). Connelley called back around 7:00-7:30 still complaining that dogs are barking, police were sent to area did not hear dogs barking.

(Circle One) Lost/Found/Complaint/Bite

Call Taken By: _____

Date: _____ **Time:** _____ **am/pm** **Notified By:** _____

Caller's Name: _____ **Address:** _____ **Tel:** _____

Type Dog: _____ **Color:** _____ **Collar?** _____ **Male/Female**

License #: _____ **Year:** _____ **Town:** _____ **Quarantine Date:** _____

(If Applicable)

Owner's Name: _____ **Address:** _____ **Tel:** _____

Description of Problem/Action Taken: _____

Notes of Decisions

Defense of fowls 1
Watch dogs 2

sonable cause to believe killing was necessary.
Livermore v. Batchelder (1886) 5 N.E. 275, 14
Mass. 179.

1. Defense of fowls

Since P.S.1882, c. 102, § 94, did not take away an owner's common-law right to kill a dog in defense of his property, one was justified in killing another's dog which was killing his hens, where he believed it necessary to prevent the killing. Nesbett v. Wilbur (1900) 58 N.E. 586, 177 Mass. 200.

Defendant was not justified in killing plaintiff's dog, believing that it was about to maim and kill defendant's hens, unless he had rea-

2. Watch dogs

One keeping for the protection of his family a dog duly licensed and collared, and confined so as not to endanger persons properly on his message, could recover its market value as a watch dog, from a neighbor who killed it there without being attacked by it, although it was a dangerous animal, and accustomed to bite those who came near it. Uhlein v. Cromack (1872) 109 Mass. 273.

§ 157. Vicious dogs; nuisance; barking or other disturbance; annoyance to sick person; attacks on other dogs

If any person shall make complaint in writing to the selectmen of a town, the chief of police of a city, or the county commissioners, that any dog owned or harbored within his or their jurisdiction is a nuisance by reason of vicious disposition or excessive barking or other disturbance, or that any such dog by such barking or other disturbance is a source of annoyance to any sick person residing in the vicinity such selectmen, chief of police or county commissioners shall investigate or cause to be investigated such complaint, including an examination on oath of the complainant, and may make such order concerning the restraint or disposal of such dog as may be deemed necessary. Within ten days after such order the owner or keeper of such dog may bring a petition in the district court within the judicial district of which the dog is owned or kept, addressed to the justice of the court, praying that the order may be reviewed by the court, or magistrate thereof, and after such notice to the officer or officers involved as the magistrate deem necessary the magistrate shall review such action, hear the witnesses and affirm such order unless it shall appear that it was made without proper cause or in bad faith, in which case such order shall be reversed. Any party shall have the right to request a de novo hearing on the petition before a justice of the court. The decision of the court shall be final and conclusive upon the parties. Any person owning or harboring such dog who shall fail to comply with any order of the selectmen, chief of police, county commissioners or district court, as the case may be shall be punished by a fine of not more than twenty-five dollars for the first offense and not more than one hundred dollars for a second or subsequent offense, or by imprisonment for not more than thirty days, for the first offense and not more than sixty days for a second or subsequent offense, or both.

The act of a dog in attacking or biting another dog or other animal may be made the subject of a complaint under the provisions of this section.

Magistrates shall exercise their authority hereunder subject to the limitations of section sixty-two C of chapter two hundred and twenty-one.

Amended by St.1934, c. 320, § 20; St.1976, c. 530; St.1978, c. 478, § 73; St.1985, c. 455.

Historical and Statutory Notes

St.1791, c. 38, § 2.

G.S.1860, c. 88, § 61.

R.L.1902, c. 102, § 148.

R.S.1836, c. 58, § 16.

P.S.1882, c. 102, § 95.

St.1924, c. 113.

St.1934, c. 320, § 20, approved June 23, 1934, by § 34 made effective Jan. 1, 1935, re: the section, which prior thereto read:

"If a person who has been so assaulted, or who finds a dog strolling outside of the enclosure of its owner or keeper and not under his immediate care, within thirty days after such assault or finding makes oath thereof before a district court or trial justice or before the clerk of the town where the owner or keeper of the dog dwells, and that he suspects the dog to be dangerous or mischievous, and gives notice thereof to its owner or keeper by delivering to him a certificate of such oath signed by such court, justice or clerk, the owner or keeper shall forthwith kill or confine such dog; and if he neglects so to do after twenty-four hours from the receipt of such notice he shall forfeit ten dollars."

St.1976, c. 530, approved Oct. 27, 1976, added the second paragraph.

St.1978, c. 478, § 73, approved July 18, 1978, and by § 343 made effective as of July 1, 1978, in the first paragraph, in the second sentence, inserted "or magistrate thereof" and substituted "magistrate deem necessary the magistrate" for "court may deem necessary it"; inserted the third sentence and, in the last sentence, substituted "twenty-five dollars for the first offense and not more than one hundred dollars for a second or subsequent offense" for "ten dollars, or by imprisonment for not more than thirty days, or both"; and added the last paragraph.

St.1985, c. 455, approved Oct. 31, 1985, in the first paragraph, in the last sentence, added ", or by imprisonment for not more than thirty days, for the first offense and not more than sixty days for a second or subsequent offense, or both".

Cross References

Election of remedy, see § 166 of this chapter.

Library References

Animals §55, 74(2), 85.

WESTLAW Topic No. 28.

C.J.S. Animals §§ 165, 167, 175, 176, 211 to 216, 224, 228, 230, 298 to 312.

Comments.

Damage by dogs, see M.P.S. vol. 17A, Bishop, § 1244.

WESTLAW Electronic Research

See WESTLAW Electronic Research Guide following the Preface.

Notes of Decisions

Attacks on livestock 2

Nuisance 1

1. Nuisance

Complaint alleging that defendants' dog was a nuisance by reason of excessive barking and other disturbances and that defendants had not restrained dog as ordered pursuant to hearing held upon complaint to selectmen and not alleging whether conduct was intentional, wanton or reckless, or negligent made allegation of conduct amounting to nonfeasance. *Mills v. Keeler* (1967) 222 N.E.2d 749, 351 Mass. 502.

In complaint alleging that dog constituted a nuisance by reason of excessive barking and other disturbances, "other disturbances" meant those of the same kind as barking. *Id.*

Complaint alleging that defendant's dog was a nuisance by reason of excessive barking and other disturbances and that defendant had not restrained dog as ordered after hearing pursuant to complaint to selectmen did not state cause of action under c. 243, § 1, governing actions for private nuisances. *Id.*

2. Attacks on livestock

A complaint alleging that certain dogs of defendant worried and injured the sheep of plaintiff; that a certain dog, accustomed to bite sheep belonging to defendant, worried and injured certain sheep of plaintiff; and that certain dogs which were accustomed to worry, bite, and destroy sheep, of which fact defendant was knowing, killed sheep, the property of plaintiff stated but one cause of action.

LICENSE

Notes of Decisions

sonable cause to believe killing was necessary
Livermore v. Batchelder (1886) 5 N.E. 275, 14
Mass. 179.

2. Watch dogs

One keeping for the protection of his family
a dog duly licensed and collared, and confined
so as not to endanger persons properly on his
messuage, could recover its market value as a
watch dog, from a neighbor who killed it there
without being attacked by it, although it was a
dangerous animal, and accustomed to bite
those who came near it. Uhlein v. Cromack
(1872) 109 Mass. 273.

owns

c. 102, § 94, did not take
common-law right to kill a
of his property, one was justi-
other's dog which was killing
he believed it necessary to
ng. Nesbett v. Wilbur (1900)
Mass. 200.

not justified in killing plain-
ing that it was about to maim
ant's mens, unless he had rea-

ious dogs; nuisance; barking or other disturbance; annoyance
o sick person; attacks on other dogs

son shall make complaint in writing to the selectmen of a town,
police of a city, or the county commissioners, that any dog owned
within his or their jurisdiction is a nuisance by reason of vicious
or excessive barking or other disturbance, or that any such dog by
or other disturbance is a source of annoyance to any sick person
he vicinity such selectmen, chief of police or county commission-
estigate or cause to be investigated such complaint, including an
on oath of the complainant, and may make such order concern-
aint or disposal of such dog as may be deemed necessary. Within
ter such order the owner or keeper of such dog may bring a
he district court within the judicial district of which the dog is
ept, addressed to the justice of the court, praying that the order
ewed by the court, or magistrate thereof, and after such notice to
or officers involved as the magistrate deem necessary the magis-
review such action, hear the witnesses and affirm such order unless
ar that it was made without proper cause or in bad faith, in which
order shall be reversed. Any party shall have the right to request a
ring on the petition before a justice of the court. The decision of
all be final and conclusive upon the parties. Any person owning
ng such dog who shall fail to comply with any order of the
chief of police, county commissioners or district court, as the case
ll be punished by a fine of not more than twenty-five dollars for
fense and not more than one hundred dollars for a second or
offense, or by imprisonment for not more than thirty days, for the
e and not more than sixty days for a second or subsequent offense,

of a dog in attacking or biting another dog or other animal may be
subject of a complaint under the provisions of this section.

tes shall exercise their authority hereunder subject to the limita-
of chapter two hundred and twenty-one.

140 § 147

of such police commissioner or city or town clerk. All blanks for s
enses and tags
and all such record books shall be paid for out of the dog fund. Each ty or town clerk,
except in Suffolk county, shall, within thirty days next succeeding April first in each year
return to the county all license books and tags furnished for the preceding license year,
including all stubs and void licenses and unused license blanks and all licenses and tags
taken up in accordance with section one hundred and forty-six. The said police commis-
sioner and any city or town clerk or city or town treasurer violating any provision of this
section shall be punished by a fine of not less than fifty nor more than five hundred
dollars or by imprisonment for not less than one month nor more than one year, or both.
If such a city or town clerk neglects or fails to pay such money into the city or town
treasury as required by this section, the city or town may recover the amount thereof for
the benefit of the county, with all damages sustained through such neglect or failure, and
interest, in an action on the official bond required, in the case of a city clerk, by section
thirteen A of chapter forty-one and, in the case of a town clerk, by section thirteen of said
chapter forty-one. All payments required hereunder shall be subject to the provisions of
section fifty-two of said chapter forty-one.

Amended by St.1991, c. 436.

Historical and Statutory Notes

1991 Legislation

St.1991, c. 436, approved Dec. 29, 1991, in the
second sentence, substituted "Suffolk county"

for "the county of Suffolk" and added the provi-
so.

§ 155. Liability for damage caused by dog; minors; presumption and bur- den of proof

Notes of Decisions

10. Teasing, tormenting, or abusing

Trial judge did not err in finding that plain-
tiff's striking of dog while terminating a dog
fight did not amount to abusing the dog for

purposes of recovering under M.G.L.A. c. 140,
§ 155, the so-called dog bite statute. Burgoyne
v. Owen, 1991 Mass.App.Div. 192.

§ 157. Vicious dogs; nuisance; barking or other disturbance; annoyance to sick person; attacks on other dogs

Notes of Decisions

Noncompliance with removal order 3
Validity 1/2

barking. Com. v. Ferreri (1991) 572 N.E.2d 583
30 Mass.App.Ct. 966.

3. Noncompliance with removal order

1/2. Validity

Term "excessive barking" in dog control stat-
ute was not unconstitutionally vague, inasmuch
as it gave authorities more than sufficient guid-
ance by which to carry out their responsibility
under statute. Com. v. Ferreri (1991) 572
N.E.2d 585, 30 Mass.App.Ct. 966.

Dog control statute did not violate dog own-
er's right to jury trial on issue of need for
restraint or removal of dogs due to excessive

Commonwealth was not required, in order to
establish dog owner's guilt on charge of re-
fusing to comply with order requiring him to
remove his dogs from his property, to show the
dogs in owner's possession on dates of com-
plaints were identical in being and number.
Dogs that were subject of removal order; de-
officer's testimony was more than sufficient
allow jury to consider whether owner had fail-
to comply with order that he remove all his dogs.
Com. v. Ferreri (1991) 572 N.E.2d 585, 30 Ma
App.Ct. 966.

October 28, 1992

Acton Police Department
Incident Statistics

Wednesday 10:24

Selected Incidents from 01/01/1990 00:00 to 12/31/1990 23:59

INCIDENT/ OFFICER/ DISPATCHER	DATE TIME	LANDMARK AND/OR ADDRESS	TYPE DISPOSITION SUPERVISOR	NATURE
I9009975 ALLEN ALLEN	08/06 08:46	41 MINUTEMAN RD	ANIMAL PROBLEM SPOKEN TO RHODES	DOG COMPLAINT COMPLAINT FROM CATHY AT TOWN CLERKS OFFICE OF SAMUEL SAWYER FROM 41 MINUTEMAN RD OF HAVING 2 DOGS THAT ARE NOT LICENSED, PER LT.MCNIFF DOG OFFICER WAS NOTIFIED TO INVESTIGATE.
I9016549 HOWE HOWE	12/19 20:26	41 MINUTEMAN RD	ANIMAL PROBLEM ASSISTED PARTY RHODES	MISSING DOGS MRS MATHISON REPORTS MISSING ROTTWEILERS, MISSING SINCE THIS AFTERNOON, DO FORM FILLED OUT.

Selected Incidents from 01/01/1991 00:00 to 12/31/1991 23:59

INCIDENT/ OFFICER/ DISPATCHER	DATE TIME	LANDMARK AND/OR ADDRESS	TYPE DISPOSITION SUPERVISOR	NATURE
I9100202 HOVE HOVE	01/05 13:10	41 MINUTEMAN RD	ANIMAL PROBLEM ASSISTED PARTY COWAN	DOG BARKING
		ANONYMOUS CALL REPORTS SAYER DOG BARKING ALL NIGHT LONG. DO FORM FILLED OUT.		
I9100253 HOVE HOVE	01/07 07:15	41 MINUTEMAN RD	ANIMAL PROBLEM ASSISTED PARTY RHODES	BARKING DOG
		ANONYMOUS CALLER REPORTS SAYWER DOG BARKED ALL NIGHT. DO FORM FILLED OUT. REFUSED TO GIVE NAME, INFORMED THE DO COULD POSSIBLY DO MORE IF SHE GAVE NAME BUT DECLINED BECAUSE OF "WHO SHE IS DEALING WITH".		
I9100891 NADEAU ANTONELLI	01/22 06:41	41 MINUTEMAN RD	ANIMAL PROBLEM ASSISTED PARTY NADEAU	BARKING DOG
		ANONYMOUS CALLER REPORTS DOG FROM ABOVE ADDRESS(SAWYER RES) BEGINS BARKING AT 05:30 AND DOES NOT STOP TILL 09:00 EACH DAY. CALLER RELUCTANT TO LEAVE NAME DUE TO POSSIBLE PROBLEMS FROM MR SAWYER. THEY WERE ADVISED TO CALL IF PROBLEM PERSIST. DOG OFFICER FORM COMPLETED.		
I9101237 HOVE HOVE	01/29 17:10	41 MINUTEMAN RD	ANIMAL PROBLEM ASSISTED PARTY ROGERS	DOG BARKING
		KATHY CONNELLY 264-0059 REPORTS SAWYER'S DOGS BARKING. DO FORM FILLED OUT.		
I9108534 BROWNE ALLEN	07/05 22:23	41 MINUTEMAN RD	ANIMAL PROBLEM INVESTIGATION NADEAU	BARKING DOGS
		MRS. CONNOLLY 15 SIMON WILLARD RD REPORTS THE SAWYER'S DOGS ARE BARKING, SHE THINKS SOMETHING MIGHT BE GOING ON IN THE AREA, CAR 26 & CAR 24 SENT. CAR 26 REPORTS NO ONE HOME, INFO LEFT FOR DOG OFFICER, MRS. CONNOLLY CALLED BACK & SPOKE TO SGT.NADEAU INDICATING SHE WAS VERY FRIGHTENED BY THE DOGS BARKING, CAR 28 CHECKED THE DOGS AND REPORTS DOGS ARE SECURE IN PEN, DOG OFFICER BEEPED TWICE, NO CALL BACK/WILL TRY AGAIN IN AM.		
I9109619 HAYES TAYLOR	07/26 23:25	41 MINUTEMAN RD	DISTURBANCE GONE ON ARRIVAL MCPADDEN	BARKING DOG
		MS CONNOLLY 15 SIMON WILLARD 264-0059 COMPLAINS OF BARKING DOG OWNED BY SAWYER 41 MINUTEMAN RD. DO FORM COMPLETE. C-25 SENT, NOTHING HEARD OR SEEN.		
I9110689 ANTONELLI ANTONELLI	08/17 22:55	41 MINUTEMAN RD	ANIMAL PROBLEM ASSISTED PARTY NADEAU	BARKING DOG
		MS CONLEY FROM 15 SIMON WILLARD REPORTING A DOG WHICH HAD BEEN BARKING ALL NIGHT. WHILE CALLING- DOG STOPPED. SHE DOES NOT WISH TO SPEAK TO AN OFFICER AT THIS TIME AND WILL CALL BACK IF PROBLEM STARTS AGAIN.		

October 28, 1992

Acton Police Department
Incident Statistics

Wednesday 10:02

Selected Incidents from 01/01/1991 00:00 to 12/31/1991 23:59

INCIDENT/ OFFICER/ DISPATCHER	DATE TIME	LANDMARK AND/OR ADDRESS	TYPE DISPOSITION SUPERVISOR	NATURE
I9111406 ALLEN ALLEN	08/30 00:04	41 MINUTEMAN RD	ANIMAL PROBLEM OTHER MCPADDEN	BARKING DOG
KATHLEEN CONLEY 15 SIMON WILLARD REPORTS SAWYER'S DOG AT THE ABOVE IS BARKING AND THEY CAN'T SLEEP, SAWYER'S ARE GONE AWAY, SGT.MCPADDEN ADVISED, DOG OFFICER FORM FILLED OUT.				
I9113141 No officer TAYLOR	10/05 10:43	41 MINUTEMAN RD	ANNOYING CALLS REPORT CROWLEY	HANG-UP CALLS
MS JOYCE MATHERSON 41 MINUTEMAN RD REPORTS RECEIVING HANG-UP CALLS FOR THE PAST FEW DAYS. SHE WILL BE SETTING UP A TRAP ON THE LINE WITH THE PHONE CO. DESK REPORT COMPLETED				

October 27, 1992

**Acton Police Department
Incident Statistics**

Tuesday 15:27

Selected Incidents from 01/01/1992 00:00 to 10/27/1992 23:59

INCIDENT/ OFFICER/ DISPATCHER	DATE TIME	LANDMARK AND/OR ADDRESS	TYPE DISPOSITION SUPERVISOR	NATURE
I9204046 COGAN P MILLIGAN	04/02 18:13	41 MINUTEMAN RD	ANIMAL PROBLEM SPOKEN TO ROGERS	ANIMAL PROBLEM KATHY CONNOLLY #264-0059 CALLED IN COMPLAINT OF THE DOGS AT THE SAWYER RESIDENCE BARKING BETWEEN THE HOURS OF 1500 TO 1730 HRS EVERYDAY ON GOING PROBLEM FOR A YEAR, CAR 26 SENT TO SPEAK TO THE SAWYER FAMILY, DO FORM FILED .
I9205407 T.FENNIMAN ALLEN	05/08 21:11	41 MINUTEMAN RD	DISTURBANCE INVESTIGATION MCPADDEN	DOG COMPLAINT MRS. CONLEY 264-0059 15 SIMON WILLARD RD REPORTS THE SAWYER'S 2-3 DOGS ARE OUT BACK BARKING, CAR 23 SENT, I TRIED CALLING THE RESIDENCE, NO ANSWER. CAR 23 REPORTS DOGS NOT BARKING AT THIS TIME, INFO LEFT FOR DOG OFFICER.
I9205862 ROGERS ANTONELLI	05/20 23:20	41 MINUTEMAN RD	ANIMAL PROBLEM ASSISTED PARTY ROGERS	BARKING DOG CALL FROM AREA OF ABOVE REPORTING A BARKING DOG FROM 41 MINUTEMAN(SAWYER 3-2063). CAR 26 SENT TO AREA. ALL QUIET AT THIS TIME.
I9205899 COONEY AYLOR	05/21 21:32	41 MINUTEMAN RD	DISTURBANCE SPOKEN TO MCPADDEN	BARKING DOG MS CONLEY 15 SIMON WILLARD 264-0059 COMPAINS OF SAWYERS DOG CONTINUALLY BARKING AT 41 MINUTEMAN. C-27 SENT. SPOKE WITH THE OWNER OF THE DOG, HE HAS BROUGHT IT IN FOR THE NIGHT.
I9208034 No officer MILLIGAN	07/11 20:11	41 MINUTEMAN RD	ANIMAL PROBLEM ASSISTED PARTY ROGERS	ANIMAL MRS CONLEY #264-0059 CALLED TO COMPLAINE ABOUT THE SAWYER DOGS BARKING ,CALLED THE SAWYER RESIDENCE LEFT MESSAGE ON RECORDER OF COMPLAINT,CALLED MRS.CONLEY BACK SHE STATED NO PROBLEM THERE NOW.
I9208235 No officer TAYLOR	07/16 19:17	41 MINUTEMAN RD	ANIMAL PROBLEM ASSISTED PARTY ROGERS	BARKING DOG CONLEY 15 SIMON WILLARD RD 264-0059 COMPLAINING ABOUT THE SAWYERS DOG CONSTANTLY BARKING AT 41 MINUTEMAN RD DO FORM COMPLETED.
I9208237 RENTSCHLER TAYLOR	07/16 20:36	41 MINUTEMAN RD	DISTURBANCE SPOKEN TO ROGERS	BARKING DOG MS CONOLY COMPLAINING AGAIN ABOUT THE INCESSANT BARKING DOG AT SAWYERS. C-25 SENT. OWNERS ADVISED TO BRING THE DOG IN FOR THE NIGHT.
I9208452 MILLIGAN MILLIGAN	07/21 19:24	41 MINUTEMAN RD	ANIMAL PROBLEM ASSISTED PARTY CROWLEY	ANIMAL COMPLAIN MRS.CONNELLY #264-0059 CALLED TO COMPLAIN ABOUT THE SAWYER FAMILY DOGS BARKING,SPOKE TO MRS SAWYER #263-2063 ABOUT THE PROBLEM SHE WILL BRING THE DOGS

October 27, 1992

Acton Police Department
Incident Statistics

Tuesday 15:27

Selected Incidents from 01/01/1992 00:00 to 10/27/1992 23:59

INCIDENT/ OFFICER/ DISPATCHER	DATE TIME	LANDMARK AND/OR ADDRESS	TYPE DISPOSITION SUPERVISOR	NATURE
I9210674 GOODMAN HOWE	IN. 09/06 19:02	41 MINUTEMAN RD	DISTURBANCE GONE ON ARRIVAL MCPADDEN	BARKING DOG
MRS CONNELLY REPORTS DOG BARKING AT SAWYER RESIDENCE AT ABOVE ADDRESS. CAR 24 CODE 4. ADVISED OF SAME AFTER COMPLETION. CHECKED SAME, NO ONE HOME AT THIS TIME DO FORM FILLED OUT				
I9210769 HOWE HOWE	09/08 20:27	41 MINUTEMAN RD	ANIMAL PROBLEM SPOKEN TO ROGERS	BARKING DOG
MRS CONNOLY REPORTS BARKING DOG AT SAWYER RESIDENCE. SAME CONTACTED AND ASKED TO BRING IN DOGS FOR THE NIGHT DO FORM FILLED OUT				
I9210848 No officer TAYLOR	09/10 19:00	41 MINUTEMAN RD	DISTURBANCE SPOKEN TO ROGERS	BARKING DOG
MS CONLEY 15 SIMON WILLARD RD REPORTS SAWYERS DOGS BARKING AGAIN AT THE ABOVE. CALLED SAWYERS THEY SAY THE DOGS ARE QUIET AT THIS TIME, THEY WILL BRING THEM IN IF THEY START AGAIN.				
I9211110 OGAN P HOWE	09/16 19:02	41 MINUTEMAN RD	ANIMAL PROBLEM OTHER ROGERS	BARKING DOG
MRS CONLEY REPORTS SAWYER'S DOG BARKING AT THE ABOVE ADDRESS CAR 23 SENT, STAYED IN AREA APPROX 10 MINS, ONLY BARKED WHEN HE WALKED AROUND HOUSE TO SEE IF ANYONE WAS HOME. D.O. FORM FILLED OUT				
I9212090 HERNANDEZ HOWE	10/07 18:48	41 MINUTEMAN RD	ANIMAL PROBLEM OTHER RHODES	BARKING DOGS
MRS CONLEY REPORTS BARKING DOGS AT THE ABOVE ADDRESS. CAR 21 SENT. CAR 21 REPORTS NO BARKING AT 41 MINUTEMAN AT THIS TIME				

October 27, 1992

Acton Police Department
Incident Statistics

Tuesday 08:57

Selected Incidents from 01/01/1992 00:00 to 10/27/1992 23:59

INCIDENT/ OFFICER/ DISPATCHER	DATE TIME	LANDMARK AND/OR ADDRESS	TYPE DISPOSITION SUPERVISOR	NATURE
I9204458 MILLIGAN MILLIGAN	04/13 15 19:30	SIMON WILLARD RD	ANIMAL PROBLEM ASSISTED PARTY ROGERS	ANIMAL
MRS.CONLEY #264-0059 CALLED TO COMPLAIN ABOUT THE SAWYERS 41 MINUTEMAN RD, DOGS BARKING IN THERE PEN, DO NOTIFIED.				
I9210328 MILLIGAN MILLIGAN	08/30 15 23:21	SIMON WILLARD RD	ANIMAL PROBLEM SPOKEN TO ROGERS	ANIMAL COMPLAIN
MRS.CONOLEY #264-0059 CALLED COMPLAINING ABOUT THE SAWYER DOG BARKING, CALLED MRS.SAWYER SHE WILL BRING DOG IN FOR THE NIGHT, NO PROBLEM AT THIS TIME.				

TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (508) 264-9612
Fax (508) 264-9630

Don P. Johnson
Town Manager

12/1/92 (5)

November 17, 1992

Mr. Scott Hebb
All Points Taxidermy
481 Great Road
Acton, MA 01720

Dear Mr. Hebb:

The Board of Selectmen is in receipt of a memorandum from the Conservation Commission regarding the confiscation of tree stands that were placed illegally on property known as the Spring Hill Conservation land, owned by the Town of Acton. Indications are that you claim ownership of the stands.

The Selectmen have scheduled an opportunity for you to meet with them at the Town Hall during their regular meeting of December 1, 1992 at 8:30 P.M. in Room 204 to discuss the disposition of said stands. If this meeting time is not convenient, please let me know as soon as possible and I will schedule you at a subsequent Selectmen's meeting at your convenience.

Very truly yours,

Christine M. Joyce
Christine Joyce
Town Manager's Office

cc: Town Manager
~~Board of Selectmen~~
Conservation Commission and Administrator

TOWN OF ACTON
INTER-DEPARTMENTAL COMMUNICATION

NOV - 9 1992

November 6, 1992

TO: Board of Selectmen
FROM: Tom Tidman, Conservation Administrator
SUBJECT: Tree Stands on Conservation Land

On November 4, 1992 the Conservation Commission met with Scott Hebb, the owner of two confiscated tree stands. Mr. Hebb had installed the two metal tree stands, (which are generally used by bow hunters for hunting deer), on the Spring Hill Conservation Area, for what he described as stands for "photographing wildlife".

The Commission informed him that the perception of his stands is one of illegal hunting on conservation land. Mr. Hebb was also informed that the installation of any structure on Town owned land was not permitted without the permission of both the Conservation Commission and the Board of Selectmen. Mr. Hebb said he wasn't aware that he required permission. He was informed that the rules and regulations for conservation lands are posted in a Kiosk at the entrance to Spring Hill Conservation Area off Spring Hill Road, (Mr. Hebb also had a copy of the rules and regulations when he first approached the conservation office). Copy attached.

The Board of Selectmen should know this conservation area is the most reported area of hunting on conservation land, although there are reports of other conservation lands being abused by hunters as well.

Commission's Recommendation

1. Return the stands to Mr. Hebb. The Commission really has no proof that the stands were being used for illegal hunting on Conservation Land, seeing that he was not caught in the act, while all indications leads the Commission to believe otherwise.
2. The placement of illegally installed structures on Town owned property can carry a fine. The Commission would like to see that this individual be fined for each stand; and that the stands not be returned until after the hunting season, or at the Selectmen's discretion.

Attachment

TT:ahm
633

RULES AND REGULATIONS
GOVERNING USE OF CONSERVATION LAND IN ACTON

1. All people are welcome to enjoy themselves upon the lands under the control of the Conservation Commission from 1/2 hour before sunrise to 1/2 hour after sunset.
2. No cars, trucks, or other powered vehicles or tools are allowed except on designated roads and except for town vehicles.
3. Hunting is allowed only upon application to and receipt of written permission from both the Board of Selectmen and the Conservation Commission.
4. No person shall cut, break, remove, deface, defile, or ill-use any structure, fence, sign, or have possession of any part thereof.
5. No growing trees, bushes, plants, or flowers shall be cut or defaced.
6. No trails shall be cut or marked, nor dams built, nor any structure such as a lean-to, bridge, tower, or handrail be constructed, without written permission from the Conservation Commission.
7. No person shall engage in business, sell or expose for sale, or give any goods, wares or circulars, upon property under the control of the Conservation Commission.
8. Overnight camping upon lands under the control of the Conservation Commission may be permitted to organizations having an adult leader present at all times. Every group so utilizing these lands shall obtain written permission from the Commission prior to such camping use. A fire permit must be obtained from the Fire Chief prior to use of open fires in these areas. Notification will be made to the Chief of the Police Department prior to such use for camping of the inclusive dates of occupancy, and name of responsible attending adult.
9. No facilities of an enduring nature, such as bridge, towers, buildings, or trails will be constructed until after plans for such facilities have been presented to the Commission, and until such plans have been approved in writing by a majority of the Commission.

VIOLETIONS HEREOF SHALL BE PUNISHABLE BY A FINE OF NOT MORE THAN \$100.

12/1/92 (5)

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: Nov. 25, 1992

TO: Nancy Tavernier, Chairman, Board of Selectmen
FROM: Don P. Johnson, Town Manager
SUBJECT: Hunting Season

You have asked me to inform you of the dates of hunting season as it relates to the Hebb Hearing. Tree stands imply deer season so the dates listed below are specifically for deer hunting:

Deer (archery)	Nov. 2 - Nov. 21
Deer (shotgun)	Nov. 30 - Dec. 9
Deer (primitive firearm)	Dec. 21 - Dec. 23

In looking over "Abstracts of the 1992 Fish & Wildlife Laws" (a pamphlet published by the Division of Fisheries & Wildlife) I find an interesting paragraph as quoted below. The reference may not have a direct relationship to the issue before you but you may find it of value in putting the question in context.

"Treestands - Must have written permission of landowner to construct or use any treestand held in place with nails, bolts, etc., or in place for more than 30 days."



cc: Board of Selectmen

12/1/92
⑥

TOWN OF ACTON
INTER-DEPARTMENTAL COMMUNICATION

DATE : 17 November 1992
TO : Board of Selectmen
FROM : Volunteer Coordinating Committee
SUBJECT : Recommendations for Appointments

At its 10/26/92 meeting, the VCC voted to Recommend Kevin J. FORSYTH to full membership on the Fair Housing Committee for a 3-year term expiring 6/30/95.. He is working in a real estate office and is knowledgeable of the Fair Housing laws.

HARRIS, Jr., David B. to Associate membership for 1-year term expiring on 6/30/93 on the Historical Commission. David is currently an intern architect with a firm in town. He has demonstrated his concern over quality of architectural design by involving himself in the controversy over the Meinecke building

Attention: Ann Fauton

picked up 10-19-92

TOWN OF ACTON VOLUNTEER APPLICATION

Residents interested in serving on a Town Board, Committee, or Commission are requested to complete this form and forward it to the office of the Town Manager at the Acton Town Hall.

(Please print or type)

Date: 10/15/92

☒ Mr / Mrs Harris, Jr. David B.
Ms / Dr Last Name First Name Middle Initial

40 Oneida Rd. 263-9183 264-0160
Street Address Home Phone Business Phone

Please refer to the other side of this sheet and indicate below, in order of preference, the Board, Committee, or Commission which is of interest to you:

- 1) Planning Board
- 2) Historic District Commission (West Acton) or Historical Comm.?
- 3) Recreation Commission

Have you been a member of a Board, Committee, or Commission previously (either in Acton or elsewhere)? If you have, please list name(s) and dates (approx):

Regional Design Committee Boston Society of Architects, 9/91-present

Do you have any time restrictions? yes - Minuteman activities, nightly meeting once

How long have you lived in Acton? 24 years in Massachusetts? same month on None

Are you a US citizen? yes

Present occupation and employer (optional - attach resume) Intern - Architect
The Office of Michael Rosevelt, Inc., Architects, 543 Mass. Ave. Acton, MA

Do you or your employer have any current or potential business relationship with the Town of Acton that could create a conflict of interest? no

Education or special training Architecture (Bachelors)

DAVID B. HARRIS
40 Oneida Road
Acton, MA 01720-2321
(508) 263-9183

JOB TARGET: Intern Architect

WORK EXPERIENCE

1992 PRESENT FIRM--Associate

- Construction Documents
- Presentation Rendering
- Cost Estimation
- Product Research
- Study Models

PROJECTS:

Haggerty Elementary School-Cambridge, MA--New Construction (\$5-6 Million)
Fay School-Southborough, MA--Gym Addition and Renovations to
Activities Center (\$1-2 Million)
Pollard Middle School-Needham, MA--Addition and Renovations (\$6-7 Million)
Middlesex School-Concord, MA--Addition and Renovations to
Student Center (Schematic Design)

1991 SASAKI ASSOCIATES, INC.--Consultant

- Presentation Drawing for National Publication

PROJECTS:

Wentworth Institute of Technology-Boston, MA--Renovations to the School of Architecture

1989 DOMENECH HICKS & KROCKMALNIC, INC.--Part-time Summer Help

- Site Reconnaissance/Site Model
- Design Proposal Assistance
- Introduction to Business Aspects of the Profession

PROJECTS:

Roxbury Corners Public Housing-Boston, MA
MBTA Maintenance Facility-Boston, MA

EDUCATION

1991 Roger Williams College-School of Architecture--Bristol, RI; Bachelor of Architecture
Emphasis-Architectural Design and Graphics, Construction Contract Documents,
Construction Materials and Assemblies, Design Theory, CAD (AutoCAD-Release 10)
Minor-Liberal Arts

Thesis: "The Plymouth Public Library"

Design Projects: Museums, Housing, Urban Mixed-Use Developments, Community
Centers, Civic Buildings

CAPABILITIES

- Ability to perform assigned duties working independently
- Initiative/motivation to earn tuition for college education in diverse jobs, occasionally
working two jobs; ability to work and also excel as an honor student
- Perseverance/dedication to committed goals, education, job

MEMBERSHIPS

- Boston Society of Architects, Associate
- American Institute of Architects, Intern
- Regional Design Committee-Boston Society of Architects
- National Trust for Historic Preservation

uc'd 10-9-92

TOWN OF ACTON VOLUNTEER APPLICATION

Residents interested in serving on a Town Board, Committee, or Commission are requested to complete this form and forward it to the office of the Town Manager at the Acton Town Hall.

(Please print or type)

Date: October 9, 1992

Mr / Mrs

Ms / Dr

Forsyth

Last Name

Kevin

First Name

J.

Middle Initial

478 Massachusetts Ave 263-5473 263-2100
Street Address Home Phone Business Phone

Please refer to the other side of this sheet and indicate below, in order of preference, the Board, Committee, or Commission which is of interest to you:

1) Historic District Commission

2) _____

Fair Housing - need
tell him re Prison Advisory

3) _____

Have you been a member of a Board, Committee, or Commission previously (either in Acton or elsewhere) ? If you have, please list name(s) and dates (approx):

Do you have any time restrictions ? _____

How long have you lived in Acton? 22 yrs in Massachusetts? 22 yrs

Are you a US citizen ? _____

Present occupation and employer (optional - attach resume) _____

Do you or your employer have any current or potential business relationship with the Town of Acton that could create a conflict of interest? _____

Education or special training B.U. degree - majored in economics

minor in history

JOHN REED FOX
DESIGNER/WOODWORKER



173A NORFOLK AVENUE BOSTON, MA 02119 442-3424
539 TREMONT ST. 02116 482-4888

12/1/92
(7)

Christene Joyce
Office of the Town Manager
Acton, MA.

Ms Joyce:

As you know we have been experiencing delays in Edison's processing of our application for electrical service to 179 Pope Rd. It has been more than three weeks since their field engineer did his site visit + considerably longer since our date of application. We have been able to continue construction using generators but as things move ahead this is becoming problematic. and is causing delays.

We are closing on the sale of our present house on November 30, and had arranged to stay there until February 1, 1993. at which time we had hoped to have obtained a certificate of occupancy for our new house. Further delays in electrical service will make this goal very difficult. I understand that an "emergency" approval is a possibility and would appreciate any assistance that you may be able to offer in solving this problem.

Sincerely

John Reed Fox

Board of Selectmen

MEETING TUESDAYS AT 7:30 P.M. • UPPER TOWN HALL • 1 MAIN STREET • AYER, MASSACHUSETTS 01432



CHARLES H. JONES, *Chairperson*
CHARLES D. MCKINNEY, *Clerk*
STEPHEN M. SLARSKY, *Member*
Tel. (508) 772-8220
Fax. (508) 772-8222
TIMOTHY S. HIGGINS
Executive Secretary
(508) 772-8221

November 16, 1992

Don P. Johnson
Town Manager
Town of Acton
472 Main Street
Acton, Ma. 01720

CHRIS- PLS. PLACE ON NEXT
BOS AGENDA (12/1)

Dear ^{Don}~~Mr.~~ Johnson:

Several weeks ago you were kind enough to extend me the courtesy of meeting to discuss the status of the redevelopment of Fort Devens. As I indicated, the Joint Boards of Selectmen (JBOS) of Ayer, Harvard, Shirley and Lancaster believe that the creation of a Fort Devens Development Corporation is essential if we are to effectively manage the redevelopment of the base property.

The JBOS has filed legislation-Senate Bill 1641, "An Act Creating the Fort Devens Development Corporation." We are seeking the support of some twenty (20) area communities in pressing our case to the state legislature. A resolution signed by the Town of Acton Board of Selectmen, endorsing the creation of this Corporation, would greatly assist us in our lobbying effort. A copy of the resolution is enclosed with a self addressed stamped envelope for your convenience.

I have enclosed an overview of the legislation, and other information your Board may find of interest. Please do not hesitate to contact me if either you or your Selectmen require additional information.

Thank you for your assistance.

Sincerely,

Timothy S. Higgins
EXECUTIVE SECRETARY

encl.

**Resolution In Support Of The Creation Of The Fort Devens
Development Corporation**

WHEREAS, the closure of Fort Devens will have a substantial effect on the economy of the Commonwealth, and potentially a devastating effect on the economies of certain communities which surround and service the needs of that military installation;

WHEREAS, the redevelopment of the Fort Devens base is vital both to the Commonwealth as a whole and to those communities, and will be a complex and time consuming process involving many state, federal, municipal and private agencies;

WHEREAS, a broad range of important funding, assistance and redevelopment opportunities need to be pursued in a coordinated and effective manner;

WHEREAS, those communities that will be most effected by the closure of Fort Devens must be represented and able to fully participate in any process regarding its redevelopment planning;

WHEREAS, pursuant to the Report on Planning Civilian Reuse of Former Military Bases by the President's Economic Adjustment Committee, "The ultimate responsibility for determining the final base reuses rest clearly with the community leadership alone."

WHEREAS, the responsibility for determining base reuse rests clearly with the community leadership. We recognize that our resources and expertise may not be sufficient, in and of themselves, to develop and implement an effective reuse plan. Therefore, we will make the maximum use of resources available through all agencies. We will strive to work with the Commonwealth's Land Bank and other public and private agencies so as to utilize their expertise in attaining our objective.

WHEREAS, we recognize that there are certain members of our communities who will experience an immediate and severe economic dislocation. We are committed to making every effort to mitigate those impacts while not jeopardizing the long term benefits.

WHEREAS, ultimate success will depend on a proper determination of highest and best use of all the Fort Devens property. Highest and best use has been defined as "that use, from among the reasonably probable and legal alternative uses, found to be physically possible, appropriately supported, and financially feasible, and which results in the highest land value." It is implicit within this definition that the specific uses recognizes its contribution to the community environment and to the community development goals.

WHEREAS, employment is a paramount concern. The early stages of reuse will target labor intensive enterprises. Uses with significant secondary or spin-off demands for service should also be emphasizes.

WHEREAS, natural resources, including wetlands, rivers, aquifers, soils, and wildlife, are interconnected systems knowing no town borders. Development activities in one town can have dramatic impact on a neighboring town. Therefore, effective natural resource protection within reuse planning can only be achieved through the multi-town cooperation.

Be it resolved that the Board of Selectmen in the Town of _____, hereby support legislation to create the Fort Devens Development Corporation with a Board of Directors comprised of impact communities in the region and others.

TOWN OF _____

BOARD OF SELECTMEN

DATE:

Joint Boards of Selectmen

Ayer • Harvard • Lancaster • Shirley

Fort Devens Army Base, Building P-5, P.O. Box 350, Ayer, MA 01432-0350

Ft. Devens Development Corporation Legislation Overview

What is the proposed Fort Devens Development Corporation?

The Ft. Devens Development Corporation would be a public not-for-profit corporation created by the Massachusetts General Court to aid in the redevelopment of Ft. Devens for the benefit of the local communities, the region and the Commonwealth.

Why is a public development corporation necessary?

A locally controlled legal entity needs to be created to address local and regional needs and lead redevelopment planning and implementation. The public corporate structure provides the powers to raise and borrow funds, and to accept grants and federal and state funding which will be required to develop the property.

Is this a new concept for military base redevelopment?

No. The proposed corporation is modelled after the Westover Development Corporation which has led the successful redevelopment of Westover Air Force base in Chicopee. Many bases throughout the country have been redeveloped by similar entities.

What kinds of projects could the Corporation be involved with?

The Corporation could become involved with a wide variety of projects since redevelopment of the base is envisioned with multiple uses. Projects could include commercial, manufacturing, industrial, research and development, housing, recreational, institutional and public uses.

Why is state legislation necessary to create the Corporation?

Legislation is required because the scope of activities of the Corporation would be broader than that allowed by Massachusetts General Laws. Existing law (Chapter 121C) authorizes communities to establish industrial and economic development corporations but these entities are limited to commercial activities.

How would the Corporation differ from the Joint Boards of Selectmen, the Governor's Redevelopment Board and the Massachusetts Government Land Bank?

The Corporation would be a legal entity which would act as the actual developer of Ft. Devens lands. It would work closely with the Joint Boards of Selectmen, an unofficial body which seeks to forge consensus policy amongst the four local Boards of Selectmen of Ayer, Harvard, Lancaster and Shirley, the Redevelopment Board, which is a short-term advisory body, and the Land Bank, which serves as a public lender and financing source for land acquisition, demolition and infrastructure development.

What powers would the Corporation have?

The Corporation would be empowered to propose redevelopment plans, borrow and raise funds for redevelopment efforts, buy, sell, develop and lease Ft. Devens property, and construct or repair the base's infrastructure.

How would the Corporation be governed?

The Corporation would have an eleven member board of directors appointed as follows: two directors appointed by the Selectmen of each of the four towns of Ayer, Harvard, Lancaster and Shirley, all of which must be town residents; two residents of the north central region of the state who are not residents of the four towns, appointed by the eight town appointed directors; and one appointed by the Governor. Directors would be appointed for three year terms, staggered in the beginning, and all appointees would be required to have experience in commerce, finance, real estate, housing, institutional, recreation, land use planning or environmental issues.

What controls would the towns have over the Corporation?

The Corporation could not begin any project without first receiving town meeting approval of a development plan which describes the project(s) and details the land involved, scope of work and proposed uses. Approval would be required from each town the development plan encompasses land within. The Corporation would have no authority over the zoning by-laws of the individual towns, nor would it be exempt from municipal, state and federal regulations for corporations and development activities.

How would the Corporation be funded?

The Corporation would seek start-up funds from federal sources associated with the closing of Ft. Devens. Ongoing operating expenses would be funded from land sales, leasing and other activities. The Corporation would be required to provide annual audited financial reports to the four towns. The directors would receive no compensation for their services except for reimbursement of expenses.

Would the towns be liable for bonds or loans of the Corporation?

Corporation debts could not be backed by the security of a town unless that town approved a pledge of security for a specific bond issue or loan. The towns would not be liable for any other Corporation debts or activities.

Would the Corporation be limited to Ft. Devens land boundaries?

The Corporation is intended to focus on redevelopment of base land. However, redevelopment projects may require work on land adjacent to or nearby the base. The Corporation could become involved in such projects only with the explicit approval of the town in which such land was located. The Corporation would not have eminent domain authority.

Would the Corporation be the only developer of Ft. Devens lands?

The Corporation would not be granted exclusive rights to acquire the Ft. Devens property, nor would it be able to override federal, state and municipal rights to acquire any or all parcels. Private developers could also become involved through direct property acquisition from the Army, purchase of specific parcels from the Corporation once demolition and infrastructure work has been completed, or in partnership with the Corporation on such ventures as an industrial park.

JOINT BOARDS OF SELECTMEN
AYER - HARVARD - LANCASTER - SHIRLEY

MISSION STATEMENT

INTRODUCTION

The Joint Boards of Selectmen recognize that Fort Devens was an integral part of the social and economic fabric of our communities. Despite this loss, we recognize this as an era of opportunity for all of us. There is a history of successful base closures which can serve as a foundation from which our communities can learn and build upon.

1. LOCAL CONTROL

A. As stipulated in the Report on Planning Civilian Reuse of Former Military Bases by the President's Economic Adjustment Committee, "The ultimate responsibility for determining the final base reuses rests clearly with the community leadership alone".

B. Fort Devens was created by the Acts and Resolves of Massachusetts of 1921 (Chapter 456) "in the Townships of Shirley and Ayer, County of Middlesex and the Townships of Lancaster and Harvard, County of Worcester", and as such when removed from military reservation status, local zoning and by-law regulations of each community shall prevail in determining use.

2. COOPERATION

A. We are working with four very diverse communities. Each will be called upon to sacrifice self-interest to guarantee a comprehensive, coordinated solution.

B. Each community recognizes and values the cultural differences and shall strive to incorporate each community's character and identity into any reuse plan.

C. The reuse of Fort Devens will affect the lives of every resident in our communities. It is an issue so complex and with such far reaching implications that the Boards of Selectmen cannot be solely responsible for developing a reuse strategy. We strongly encourage and welcome grassroots input.

D. Even though the four communities are charged with the responsibility for re-use, we recognize that responsibility extends beyond our four communities and input from our neighbors is necessary.

E. The responsibility for determining base reuse rests clearly with the community leadership. We recognize that our resources and expertise may not be sufficient, in and of themselves, to develop and implement an effective reuse plan. Therefore, we will make the maximum use of resources available through all agencies. We will strive to work with the Commonwealth's Land Bank and other public and private agencies so as to utilize their expertise in attaining our objectives.

F. Any successful reuse plan is predicated on the communities ability to influence decisions made by the Department of Defense relative to the release of property on terms most favorable to our long-term interests. We will work with the Department of Defense in order to prevent "cherry picking" or a "checker board" effect which would preclude more substantial uses of the property, both immediate and long term.

3. FOCUS

A. The success of prior base closings has been predicated on a comprehensive long term approach to the entire property encompassing the military reservation and we will utilize this approach.

B. Due to complex long term approaches and community diversity we will ensure continuity and consistency in our approach.

C. We recognize that there are certain members of our communities who will experience an immediate and severe economic dislocation. We are committed to making every effort to mitigate those impacts while not jeopardizing the long term benefits.

D. We further recognize that this is an evolving process which requires constant review and possible revisions of this mission statement.

4. USE

A. Ultimate success will depend on a proper determination of highest and best use of all the Fort Devens property. Highest and best use has been defined as "that use, from among the reasonably probable and legal alternative uses, found to be physically possible, appropriately supported, and financially feasible, and which results in the highest land value." It is implicit within this definition that the specific uses recognizes its contribution to the community environment and to the community development goals.

B. We have learned from our current predicament that reliance upon a single enterprise can have disastrous consequences. A diversified and predominantly civilian economy will ensure the future viability of this area. Multi-use must be a main component of any reuse plan.

C. Devens has been part of our community for over 70 years. While adjustment to civilian use is one of our goals, we welcome and encourage a continued presence of DOD organizations.

C. In order to facilitate an expeditious reversion of the property we do not oppose "piecemeal" release of surplus property by the Department of Defense as long as that property is free of contaminants.

D. Potentially conflicting uses within the development plan shall have suitable buffer zones, to the extent possible, so as to protect all interests.

E. Overlapping re-use activities, that are compatible, serve to meet the overall objectives.

F. One of the key considerations in re-use planning is that of transportation. Current infrastructures support some types of re-use and preclude others. Consideration must be given to issues associated with all aspects and all modes of transportation.

5. ECONOMICS

A. Employment is a paramount concern. The early stages of reuse will target labor intensive enterprises. Uses with significant secondary or spin-off demands for service should also be emphasized.

B. We seek selectively higher skill industries with gradually rising technology levels (and higher wage rates). Employment must have growth potential and raise the per capita income level for the region.

6. MUNICIPAL SERVICES

A. We recognize that once the military reservation status is lifted, the communities will be responsible for providing full municipal services to the area formerly under the jurisdiction of the Department of Defense.

B. In particular a clear understanding must be met on the required services for the remaining federal uses of the base.

C. Our communities will experience an immediate and dramatic increase in the demand for municipal services. Any prospective use of the property must be assessed in relation to an immediate demand on the current level of service, as well as the long-term requirements.

D. The reuse plan will address any consideration for separate and sufficient municipal services (i.e. fire, police, ambulance, roadways, water, sewer, etc.)

E. Each of the communities involved rely on wells for our entire water supply. We support those reuse efforts which are protective of the underlying aquifer systems.

F. Solid waste disposal is an ever increasing issue, both on our natural and financial resources. Re-use development must recognize this issue and be supportive of our efforts for reduction in regional waste.

G. Over 90,000 retirees have come to rely on services from the Fort. We will actively work for the continuation of as many of these services as possible.

7. EDUCATION

A. Quality Education is of paramount concern. Students from Fort Devens attend local schools. Changing the status of Fort Devens from a military reservation will have a significant impact on the school systems of the communities.

B. Education will be impacted differently from other services.

8. ENVIRONMENT

A. We recognize the unique and valuable natural resources found within the region. Future open space for scenic, natural resources, or recreational purposes is an integral part of our overall objectives. As such, we insist that all Federal, State and Local environmental laws must be strictly adhered to.

B. Successful reuse planning is contingent on the complete and total cleanup of all the hazardous waste sites. It is the responsibility of the Federal Government to ensure these individual sites are returned to their natural state. As stated in 4c we support the "piecemeal" release of only uncontaminated sites.

C. Natural resources, including wetlands, rivers, aquifers, soils and wildlife, are interconnected systems knowing no town borders. Development activities in one town can have dramatic impact on a neighboring town. Therefore, effective natural resource protection within reuse planning can only be achieved through the multi-town cooperation.

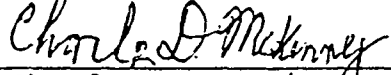
D. We acknowledge that re-use growth will take place within the region. However, it is important that this growth be directed away from environmentally sensitive areas such as wetlands and critical wildlife habitat areas.

9. HISTORIC AND COMMUNITY PRESERVATION

A. The area is rich in historical heritage, including many National Register Landmarks. These sites are a tangible link to our past and provide a sense of identity for our future. These historic treasures must be preserved for future generations.

B. The reuse plan must preserve elements which contribute to the character of "community", with multi-land uses, based on strong rural and historic roots. A community is one where residential, commercial, industrial and personal enjoyment can coexist in harmony.

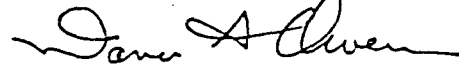
TOWN OF AYER


Charles D. McKinney

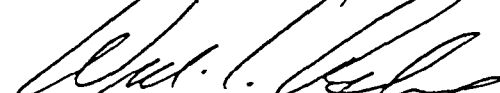

Steven M. Slarsky


Charles H. Jones

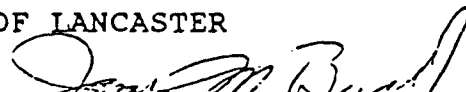
TOWN OF HARVARD


Dana A. Owens


Richard F. Maiore


William C. Ashe

TOWN OF LANCASTER

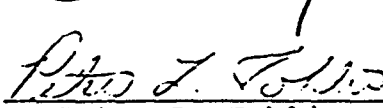

James M. Buck Jr.

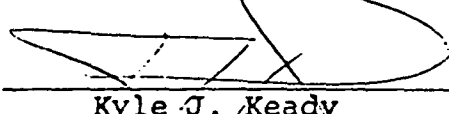

James J. Ford Jr.


Peter A. O'Malley

TOWN OF SHIRLEY


Lee M. Guercio


Peter L. Fohlin


Kyle J. Keady

12/192
TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (508) 264-9612
Fax (508) 264-9630

(9)

Don P. Johnson
Town Manager

November 25, 1992

Secretary Susan F. Tierney
Executive Office of Environmental Affairs
100 Cambridge Street, 20th Floor
Boston, MA 02202

Dear Secretary Tierney:

Recently, I applied for membership on the Ft. Devens CAC to represent the Town of Acton's interests in the redevelopment process. You appointed one representative from your MAPC subregion, MAGIC, to serve on the CAC. In addition, you directed that this appointee be able to represent both the MAGIC subregion (consisting of the towns of Acton, Concord, Littleton, Stow, Boxborough, Carlisle, Maynard, Hudson and Sudbury), and the entire MAPC region (consisting of 101 cities and towns including Boston.) I would like to clarify our concerns regarding your decision and ask that you address them in any future decisions on public review of Ft. Devens redevelopment proposals.

We understand that you would like to hear one voice from all of the towns in the MAGIC subregion on issues concerning Ft. Devens. Representatives or our Boards of Selectmen and Planning Boards meet monthly to discuss issues of mutual concern, including Ft. Devens. Since only three towns within MAGIC are served by both Route 2 and the Fitchburg rail line, the primary transportation links to the Ft. Devens site, MAGIC's statements already reflect a degree of compromise among area towns.

Given that MAGIC communities have the potential for significant impacts and benefits from Ft. Devens decision, we do not find it reasonable to have MAGIC's voice merged with the voice of the entire MAPC region. Our economic, environmental and transportation concerns are very different from those of other MAPC communities that are much further from the Devens site.

In addition, by requiring that MAGIC's representative also be able to represent MAPC, you excluded all but one of MAGIC's members (who are Selectmen and Planning Board members) from participation in the Ft. Devens CAC. With the exception of Stow, MAGIC town's MAPC designees are not members of our Boards of Selectmen or Planing Boards. Therefore, only on MAGIC member is eligible to serve on the Ft. Devens CAC as a representative of both MAGIC and MAPC. Our alternate is an MAPC staff member, who lives in the Boston core area.

In conclusion, I would like to emphasize the seriousness with which Acton is addressing Ft. Devens redevelopment plan. We have appointed a seven member task force to keep us informed and actively involved. Acton's Chamber of Commerce is directly involved in economic redevelopment planning efforts. Therefore, we respectfully request that you recognize our Town's important role in public review of plans for Ft. Devens, at a minimum, by giving MAGIC an independent voice in the existing and any future CAC's. We would appreciate hearing from you in this regard.

Sincerely,

Nancy E. Tavernier
Chairman
ACTON BOARD OF SELECTMEN

cc: Janet McCabe
MEPA Unit

12/1/92
(10)

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: Nov. 25, 1992

TO: Board of Selectmen
FROM: Don P. Johnson, Town Manager
SUBJECT: MAPC Meeting Re Amended TIP

The attached correspondence from MAPC discusses their plan to co-host a meeting of local officials regarding concerns with amendments to the 1993 Transportation Improvement Program (TIP). Roland Bartl has spoken with MAPC and determined that the meeting is scheduled for 9:30AM, Friday, December 11, at the Transportation Building.

Staff seeks your direction for the type of representation the Board may desire for this meeting. The range of choices include your MAPC Representative, MAGIC Representative, Selectmen and Staff.



cc: Planning Department
Engineering Department



Metropolitan Area Planning Council

60 Temple Place, Boston, Massachusetts 02111 617/451-2770

Serving 101 cities and towns in metropolitan Boston

DONNA OF ROLAND
PLEASE TAKE A
LOOK
D.C.

November 18, 1992

TO: Chief Elected Officials
FR: Marjorie A. Davis, President MD

On Friday, November 13, 1992, I was advised that the Metropolitan Planning Organization for the Boston region would be meeting at 10 A.M. on November 18, 1992 to discuss proposed amendments to the 1993 Transportation Improvement Program. These amendments were designed to use flexible funding categories in the Intermodal Surface Transportation Efficiency Act (ISTEA) to reprogram money for the MBTA capital program to assist in relieving the "T's" budget crisis. Another set of amendments were proposed by the Massachusetts Highway Department. At the last minute, both the MBTA and MHD decided not to ask for their amendments to be acted on. Instead, the attached policy statement was offered for a vote.

As one of the two MPO members representing local elected officials, MAPC was opposed to any amendments to the TIP being voted on without local elected officials being consulted. On November 18, our Executive Committee passed the attached resolution confirming that position. We also passed a resolution indicating that we were generally in favor of using flexible funds for the types of uses being proposed in the joint policy statement. However, I abstained from the vote on the policy because we had not consulted with you and your representatives and there was not sufficient time to do so.

The policy calls for a 30 day period to review the proposed amendments. I have asked Richard Easler, Chairman of our MetroPlan 2000 Committee to co-host a meeting of local officials with me during the next 30 days to allow you to discuss these in detail with representatives of the "T" and MHD.

I appreciate your consideration and look forward to meeting with you.

MAD/lab
(Exec/TIP)

cc: MAPC Representatives
Local TIP Coordinators

NOV 20 1992
ACTON ENGINEERING & DESIGN

Marjorie A. Davis, *President*

Edmund P. Tarallo, *Vice-President*

Richard A. Easler, *Secretary*

Marylou Batt, *Treasurer*

David C. Soule, *Executive Director*



Metropolitan Area Planning Council

60 Temple Place, Boston, Massachusetts 02111 617/451-2770

Serving 101 cities and towns in metropolitan Boston

November 17, 1992

Proposed Resolution

Whereas, the transportation needs in the Boston metropolitan area substantially exceed the availability of state and federal funds for the next five years; and

Whereas, there are a number of proposals to transfer federal ISTEA funds between highways and transit; and

Whereas, there is a federally required transportation improvement program process that mandates the involvement of local governments; and

Whereas, the MAPC is responsible for soliciting local input to the transportation planning and program process; and

Whereas, the MAPC and the MBTA Advisory Board represent local governments in the planning process; and

Whereas, the Joint Regional Transportation Committee is responsible for public input and advising MPO members; and

Whereas, funding transfer amendments that have been proposed have not yet complied with the adopted procedures,

Now, therefore be it resolved that:

The Executive Committee of the Metropolitan Area Planning Council cannot today endorse or approve any changes or amendments to the TIP, nor can it authorize, direct or allow the President of MAPC to vote in support of such actions and it is the position of the MAPC Executive Committee that a proposal to circumvent the adopted and federally mandated process is contrary to the MPO procedures and to federal law and it is therefore inappropriate to take TIP amendment action.

The Executive Committee of the Metropolitan Area Planning Council further recommends that the appropriate state agencies provide the SubSignatory Committee of the MPO with the proposed amendments, including the impact of the amendments and that the SSC follow the adopted amendment procedures. It is also recommended that the MPO take action by December 8 to meet the MBTA Advisory Board schedule.

Marjorie A. Davis, *President*

Edmund P. Tarallo, *Vice-President*

Richard A. Easler, *Secretary*

Marylou Batt, *Treasurer*

David C. Soule, *Executive Director*

MEMORANDUM

TO: Richard L. Taylor
Secretary

FROM: James Kerasiotes
Commissioner

John J. Haley, Jr.
General Manager

DATE: November 17, 1992

RE: Proposed Actions on ISTEA Utilization

The purpose of this memo is to set forth a policy which achieves the shared objective of the EOTC, the MBTA and the Massachusetts Highway Department to ensure a balanced transportation investment pattern for the Commonwealth of Massachusetts. Specifically, we propose that you notify the MPO at the November 19, 1992 meeting of the following policy objectives:

1. To achieve the policy goal of 80% federal funding for the Old Colony Project, a transfer of \$80 million from "flexible" ISTEA categories to the Old Colony Project is recommended.

Achievement of this goal would enable the MBTA to fund the Roxbury Replacement Trackless Trolley Project and other infrastructure reinvestment needs.

2. To ensure consistent standards of safety and productivity for all bridges that are owned by either the MHD or MBTA, the state should proceed with a financially integrated bridge program. This

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: Nov. 24, 1992

TO: Board of Selectmen

*** CONFIDENTIAL ***

FROM: Don P. Johnson, Town Manager

SUBJECT: NESWC/North Andover

A tremendous amount has taken place with respect to NESWC since your last meeting ... most of it related to North Andover and all of it bad . In order to keep you as current as possible I have prepared the attached update.

As a direct result of North Andover's demands, the bond refinancing is in serious jeopardy. This places approximately \$35,000,000 of savings for NESWC communities at risk. For Acton, the package is worth nearly \$300,000/yr. with total savings in the vicinity of \$3,500,000 over the life of the contract. The Net Present Worth of these savings, to Acton alone, is almost \$2,500,000.

The value and importance of the success of this transaction is such that we felt we could not trust someone else to protect our interests. We have managed to have John Murray named as one of two (2) NESWC negotiators to meet with North Andover and try to resolve their outlandish demands. These negotiations will be delicate, to say the least. The sensitivity at this moment is such that I have written to you under Confidential cover and I

ask you to treat this material accordingly. Some of the information I have shared with you has come to us via John's involvement in the negotiations. We simply cannot afford to have any of this information aired in public until we have the matter under better control. If the Board wishes to discuss it at all, I urge you to do so only in Executive Session.

DPJ:475

A handwritten signature in black ink, appearing to be "Don" or similar, written in a cursive style.

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: Nov. 20, 1992

**** CONFIDENTIAL **** CONFIDENTIAL **** CONFIDENTIAL ****

TO: Board of Selectmen
FROM: Don P. Johnson, Town Manager
SUBJECT: NESWC Bond Refunding

We may have hit an all time low in the absurdities and inequities that we have heretofore encountered in our NESWC experience. For the most part our problems over the years have been external to the NESWC organization. Unfortunately, as the attached documentation and the November 19 Executive Committee meeting now show, we must contend not only with the forces outside that would destroy us, but we must also defend ourselves from the greed within. The greedy would apparently risk all on the gamble that they might fulfill their own outlandish self interest.

There are several aspects to this situation so I ask the Board to bear with me while I try to tie it all together.

The NESWC facility is located in North Andover. As the Host Community, North Andover receives a fee for each ton of material delivered to the plant. This fee was established as part of the original legislation and is adjusted annually according to a predetermined escalator. The rate is currently a little over

\$1.90/ton. North Andover received approximately \$741,000 last year under this agreement. This fee, paid by the other NESWC communities to North Andover for their "hospitality", more than offset their \$600,000 +/- cost of tipping last year.

Additionally, North Andover issued the original bonds for this project through their Industrial Development Finance Agency (IDFA), with the review and approval of the Massachusetts Industrial Finance Agency (MIFA). The North Andover Board of Selectmen appoint the IDFA and they appear to exercise a great deal of control over their actions. As a practical matter, their Selectmen's control, in this case, is over our refunding of nearly \$200,000,000 worth of bonds.

You may remember my discussion with the Board several weeks ago wherein I explained that the North Andover Town Manager, James Gordon, recently wrote to NESWC's Executive Committee and broached (we thought for the first time ... we have subsequently learned that these types of issues may have been on the table with selected individuals for at least several months) the subject of items North Andover wanted to have addressed. The hint was that their approval of the refinancing documents would be tied to favorable action on their requests. Upon receipt of Mr. Gordon's letter, the Executive Committee indicated it might be willing to discuss some of his legitimate concerns but not in the context of a gun being held to the heads of the other NESWC communities. The Committee further sent the message that it was willing to defray the reasonable costs of the North Andover Industrial Finance Authority in relation to the refunding.

On the same date, November 5, Mr. Gordon wrote a second letter to the Executive Committee proposing that NESWC consider retrofitting its facility to accommodate the burning of sludge from the Greater Lawrence Sanitary District (GLSD) which is also located in North Andover. This 4-community District (of which North Andover is also a member) has experienced difficulty with

the disposition of sludge for many years. Indeed, Acton was among the many communities who were caught in this problem several years ago. Upon closer inspection of this proposal we find that the GLSD was near the point of financing a retrofit of their facility to burn the sludge when Mr. Gordon convinced them to delay and explore the option with NESWC. His argument is that he thinks the retrofit at NESWC would be as cheap or cheaper than for the GLSD. More telling is information we have seen, including comments in Jerry Hopcroft's confidential memo of September 30, delineating how this plan would not only solve their sludge problem but, at the same time, produce additional revenues to North Andover based on the fee they would receive for tonnage processed at the NESWC facility.

Next we find that North Andover has substantial financial problems that are traceable to " ... a five-year history of revenue miscalculations by town officials, an accumulated \$2 million operating deficit and a higher than average debt per capita ... " (see attached Globe article from Nov. 15) causing Moody's to lower their bond rating to Baa.

On November 19, Mr. Gordon carried the North Andover demands directly to the Executive Committee. I have attached a copy of the agenda for the meeting and I call your attention to items #4a-e. The agenda outlines the general thrust of each item; however, Mr. Gordon's actual letter of November 5, 1992 (which we did not see until November 24) seems to contain hints of additional demands. I offer the following comments on items #4a-e:

- a. Mr. Gordon and the North Andover IDFA Chairman, George Schruender, represented that the IDFA planned to negotiate in our behalf to reduce the exorbitant \$300,000 "fee" that MIFA has bid for their approval of this refinancing. This was the first that we had been informed of a MIFA fee.

- b. The North Andover IDFA proposed a fee of \$25,000 for their services. This is the same fee that the Executive Committee had addressed earlier and indicated that a reasonable amount, to defray their costs, would be considered. Mr. Schruender stressed that a major service we would receive for this fee was the MIFA negotiation noted above. He and Mr. Gordon admitted that the negotiations would not be that costly and Mr. Gordon finally admitted that a portion of the \$25,000 was for the anticipated costs of the IDFA and the balance was simply an "exaction" (his words).

At approximately this point in the meeting the North Andover representatives were asked how serious they were about their laundry list. Their reply was that if NESWC was prepared to agree to all of their items they could assure us of their favorable action on the bonds. Otherwise, they were clear that any different response from NESWC would have to go back for further consideration.

- c. John and I visited the plant prior to the meeting in order to better evaluate the purported need for a new access road. The NESWC communities have a prescribed route into the plant that encompasses only 1.6 miles of roadway in North Andover. Fully half of this 1.6 miles is on a 4-lane portion of Route 125. It is my understanding that this road was upgraded to accommodate the anticipated truck traffic when the plant was built. North Andover admits that the NESWC communities are in compliance with the routing

conditions. They further acknowledge that fewer trips are actually being made to the facility than originally anticipated, due to the reduced tonnages that we are all experiencing.

Their complaint seems to be with the private haulers, contracted to MRI, who are using local roadways to access the plant ... not the NESWC communities. We suggested that they take their complaint to MRI, police more closely, enact truck restrictions or take other direct actions to correct the problems ... rather than seek monies from NESWC to deal with a problem to which we are not a party. (The NESWC communities have some liability in this area, though, because we receive about \$26.00 credit for each ton of private hauler refuse processed through the plant. Additionally, North Andover receives their fee on each of these tons.) This suggestion fell on deaf ears so I indicated (somewhat tongue-in-cheek) that Acton might be more receptive to the request if North Andover were willing to share tax revenues from the new growth that will be made possible by virtue of the frontage created by the proposed new road. Needless to say, they ignored my proposal.

- d. After complaining that truck traffic was bothersome on their roadways and admitting that the volume was actually less than originally anticipated, they then had the nerve to continue with their complaint that revenues are down because tonnage is down. In this scenario North Andover postures that they are not making as much as they had expected when the project started so they want us to pay their fee based on design capacity of the plant ... instead of the current "tons delivered".

Their request is essentially that we sign the same type of "put-or-pay" arrangement with them that we were foolish enough to sign with MRI initially. As proposed, we would owe North Andover an increasing amount each year, for the duration of the contract, even if we delivered no tonnage. This is the same as our Guaranteed Annual Tonnage provision with MRI, where we pay for the tonnage, whether we deliver any or not.

When asked what the NESWC communities might expect to receive for the additional \$150,000 per year, Mr. Gordon replied we would have a happier host community. He then tried to justify the request as mitigation for the environmental and sociological impacts of the facility. He was unable to explain why more financial mitigation is necessary, even though actual impacts are currently less than initially projected.

(The various arguments used throughout the presentation to support their separate requests seem circular and curiously contradictory when taken in context!)

- e. Again, out of pure selfish greed, North Andover would have us allow them a GAT reduction at the expense of the other communities. In the alternative, they are willing to keep their GAT in exchange for a further increase in their Host Community Fee.

- f. Consistent with the observation in "d" above, Mr. Gordon has come full circle. In paragraph "c" he makes his case for a new road. Now he wants to control the truck traffic ... like we suggested as the simple solution to this problem in the first place.

Finally, we come to Mr. Gordon's letter of November 20, wherein he stamps his feet, picks up his ball and goes home. The sad part is that there appears to be no coincidence between the fact that North Andover has a financial problem and they also have a series of financial demands against NESWC. The 22 other member communities of NESWC appear to be targets of opportunity for Mr. Gordon and North Andover.

The Globe article mentions a current \$2 million operating deficit. The following is a financial analysis of the North Andover demands:

- | | | |
|----|---|-----------|
| a. | MIFA fee (not applicable to North Andover demands) | N/A |
| b. | IDFA fee
[PARTIALLY RELATED TO REFINANCING] | \$ 25,000 |
| c. | Road feasibility study.
(note that Nov. 5 letter mentions funds for economic development which may increase this number)
[NOT RELATED TO REFINANCING] | 50,000 |

d.	Additional Host Community Fee (\$150,000/yr X 12 yrs) [NOT RELATED TO REFINANCING]	1,800,000
e.	GAT reduction or additional Host Community Fee (\$116,250/yr X 12 yrs) [NOT RELATED TO REFINANCING]	1,395,000
f.	Truck routes	N/A

Total 12 yr value		\$3,270,000

[ONLY A PORTION OF THE TOTAL \$3,270,000 EXACTION ... PROBABLY NOT MORE THAN \$15,000 OF THE IDFA FEE ... IS ACTUALLY RELATED TO THE REFINANCING.]

In addition to the above, North Andover will realize approximately \$3,000,000 in savings from the refinancing over the next 12 years. This is comparable to the savings that each community will receive from the refinancing. As you can see, they appear intent on more than doubling the benefits to North Andover, at the expense of the other communities.

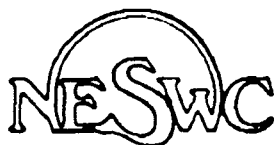
With all of the bad news above, please rest assured that we (NESWC and your staff) are doing everything we can to resolve this problem. John and I have devoted nearly 100% of our time to NESWC for the last week or more and , unless you direct otherwise, we will continue this level of effort in order to accomplish the refinancing objectives and achieve a resolution that is fair.



To JOHN MURRAY
Company ACTON
Location
Fax #
Comments

Telephone #

Ⓢ No. of Pages 1 Today's Date 11-23 Time
From BOB
Company NESWC
Location
Fax #
Original Disposition ☐ Destroy ☐ Return ☐ Call for pickup
Dept. Charge
Telephone # 526-1242



NORTH EAST SOLID WASTE COMMITTEE

MEMO

TO : NESWC EXECUTIVE COMMITTEE
FROM : ROBERT W. MORONEY
EXECUTIVE DIRECTOR
SUBJECT: NORTH ANDOVER ISSUES
DATE : NOVEMBER 23, 1992

Robert Hale, Ruth Ellen Fitch and I had a conference call with North Andover Town Manager, James Gordon on Friday afternoon, November 20, 1992. During the call Mr. Gordon agreed to delay, for one week, formally requesting his Selectmen to rescind their earlier votes relative to the change in Guarantor and the approval of the bond issue.

Palmer & Dodge has advised that NESWC appoint a subcommittee to meet with Mr. Gordon to discuss North Andover's concerns. I have appointed Mr. John Murray of Acton and Mr. Michael Cairn of Wilmington and they have agreed to participate.

Post-It brand
Fax Transmittal Memo 7872
 To **JOHN MURRAY**
 Company **ACTON**
 Location
 Fax # **264 9630**
 Comments

2 No of Pages 2 Today's Date **11-20**
 From **BOB MORONEY**
 Company **EX. DIR. NESWC**
 Location
 Fax #
 Original Disposition ☐ Destroy ☐ Retain ☐ Call for policy

(u)

NOTE TO BOB: 11/20/92
THIS CAME IN 11/20 AND
STAFF IS IN THE PROCESS OF
PREPARING COMMENTS/EXPLANATION
THIS IS A COMPLICATED ISSUE
AND THE COMMENTS ARE LENGTHY.
I AM SENDING THIS LETTER TO
GIVE YOU THE PROBLEM. EXPLANATION
WILL BE IN YOUR PACKETS NEXT
WEEK -

TOWN OF NORTH ANDOVER, MASSACHUSETTS
 OFFICE OF
TOWN MANAGER
 120 MAIN STREET, 01845

James P. Gordon
 Town Manager

Post-It brand fax transmittal memo 7871		# of pages = 2	
To LILDA	From B. MORONEY		
Co NESWC	Co		
Dept	Phone # FAX 264 9630		
Fax # 1-648-9204	Fax # 264 9630		

November 20, 1992

Mr. Robert W. Moroney, PE
 Chairman, Executive Committee
 Northeast Solid Waste Committee
 109-123 Main Street
 North Andover, MA 01845

BY FAX

Dear Bob:

At the Board of Selectmen's meeting on Monday, November 23, 1992, I will recommend that the Board of Selectmen rescind their vote of November 9, 1992, relating to the substitution of Guarantor and the approval of the refunding bond issue. I will be making that recommendation reluctantly but after observing, first hand, the attitude of the Executive Committee with respect to North Andover's concerns and what appears to me to be a very flawed process dealing with the refunding issue, as well as other significant issues facing Northeast Solid Waste Committee, I feel I have no alternative. If the Executive Committee has a serious intention of dealing with North Andover's concerns, I suggest they appoint a subcommittee to meet with representatives of North Andover to deal with the issues. If you or other members of the Executive Committee would care to attend the Selectmen's meeting on Monday evening, please feel free to do so.

While I told you yesterday that North Andover would make an advance payment on their FY '93 charges, I am now advising you that I am withdrawing that offer, and I have instructed the Treasurer not to disburse any advance payments to NESWC. Furthermore, in connection with NESWC's request of November 10, 1992, to reduce member communities GAT, please be advised that North Andover is opposed to such a move and will object to any adjustments to the existing service contracts that would reflect a reduction in GAT beyond that which is provided for in the Service Agreements.


It is apparent from yesterday's discussion with respect to the arbitration settlement that many communities have a concern

Mr. Robert Moroney, Chairman, Executive Committee
Northeast Solid Waste Committee
November 20, 1992
Page 2.

over the present plan for funding the current portion of the settlement. In order to evaluate the basis upon which the current settlement should be allocated to the member communities, I request NESWC provide the member communities with an analysis reflecting the impact to the members under various allocation alternatives.

If you have any questions in connection with this, please feel free to give me a call.

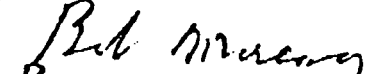
Sincerely,


James P. Gordon,
Town Manager

CC: Board of Selectmen
North Andover Industrial Development Finance Authority
North Andover Advisory Board
Robert E. Hale, Esq.
John Giorgio, Esq.

JG:map

11-20-92 NESWC OFFICIALS
PLEASE ADVISE WHAT COURSE OF ACTION
YOU WOULD LIKE TO PURSUE.


ROBERT W. MORONEY



(B)

NORTH EAST SOLID WASTE COMMITTEE

MEMORANDUM

To : Executive Committee Members

From : Robert W. Moroney, PE
Chairman, Executive Committee

Subject : November 19, 1992 Executive Committee Meeting

Date : November 13, 1992

I hope the following information will assist you in preparing for Thursday's meeting. The following is a brief summary of each agenda item:

1. Minutes of the September 24, 1992 meeting. They may not be ready. This was the meeting we used a secretary to record the minutes. She has had great difficulty in transcribing the tape recording. I will be completing the minutes using what she has transcribed to date along with my handwritten notes.
- 2 & 3. Minutes of the meetings of October 29, 1992 and November 5, 1992 furnished via a separate mailing.
4. North Andover Issues - Town Manager, James Gordon and IDFA Chairman George Schruender will be attending the meeting to discuss North Andover's concerns as follows:
 - a. MIFA fee - MIFA's opening bid was for a "fee" for approving the refinancing is in the range of \$300,000. Mr. Schruender states that MIFA's fee in 1983 was considerably lower and he wants NESWC's help in decreasing the fee to no larger than North Andover's fee.
 - b. North Andover's fee request is \$25,000 which will include their legal costs and a stipend for being the actual issuer of the bonds. NESWC is looking into the actual dollar amount of the original fee paid to North Andover in 1983. It is customary for the bond issuer to receive a fee.
 - c. The letter from Mr. James Gordon read at the last meeting did not properly address their road construction scenario. The enclosed draft letter summarizes Mr. Gordon's proposal and I think it provides enough safeguards for NESWC's approval.

d. North Andover contends that they originally based the town's revenue projections assuming the plant would operate at its maximum capacity (465,000 tons per year). North Andover would like to see their host community fee based on 465,000 tons per year instead of plant throughput. At current host community fees this equates to an increase of approximately \$125,450. (465,000 tons - 400,000 throughput (assumed) X \$1.93/ton).

e. North Andover requests a GAT reduction from 8,900 tons to 7,800 tons per year. I told North Andover that this request could be accomplished if the GAT reduction plan is accepted. Whether all communities accomplish the GAT reduction, North Andover is looking for other communities to assume a portion of the 1,100 tons reduction request or keep North Andover's GAT the same but increase the Host Community fee by an additional \$0.25 per tons based on 465,000 tons per year (\$116,250/year).

f. Insure that MRI, Inc. indicate specific traffic routes in all Private Hauler Contracts. I will address this issue with the MRI plant manager myself.

5. Mr. David Cressman, Town Manager of Tewksbury, will be attending the meeting to discuss hiring an interim Executive Director for a one year tenure. This concept was presented to Ms. Ruth Ellen Fitch and myself at a Tewksbury Selectmen's meeting held on November 10, 1992. Mr. Cressman noted that this interim Executive Director would have to agree not to be a candidate for the permanent position. The individual would be a problem solver to help aim NESWC in the right direction before a permanent Director is hired. Mr. Cressman suggested the following specific problem topics:

- a. How much of the NESWC problem is due to the economy and recycling?
- b. Is NESWC getting \$100,000 in value for the marketing fee paid to MRI?
- c. How much of the NESWC problems are attributed to the contractor and how should these contracts be modified?
- d. Should NESWC continue as an organization or should negotiations or some action occur to free NESWC members from the current situation?
- e. What action should be taken in terms of the Commonwealth's roll in NESWC?
- f. If NESWC continues, how should it be restructured?

I will provide updated information concerning the number of towns that have agreed to the pre-payment and status of the GAT reduction confirmations. It is possible that Public Financial Management may attend the meeting. Ms. Ruth Ellen Fitch will update the Committee on financing options in the event an arbitration judgment is levied against NESWC.

C

TOWN OF NORTH ANDOVER, MASSACHUSETTS
OFFICE OF
TOWN MANAGER
120 MAIN STREET, 01845

James P. Gordon
Town Manager



TELEPHONE 682-6483

MEMORANDUM

TO: Board of Selectmen

FROM: James P. Gordon, Town Manager

DATE: November 6, 1992

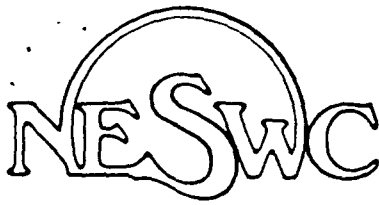
RE: Greater Lawrence Sanitary District

On Wednesday evening, November 4, 1992, the Greater Lawrence Sanitary District Board of Commissioners voted to request an extension for the awarding of the construction contract for their incinerator project for a period of 30 days. In addition, the Board voted to appoint a subcommittee to work with NESWC, the Town of North Andover and Wheelabrator to explore the feasibility of sludge incineration at the MRI facility. On November 5, 1992, the NESWC Executive Committee voted to appoint a similar committee to work on this study.

If this proposal has any merit, it must be demonstrated that it represents the best economical solution to the Sanitary District's sludge disposal program, and it must be demonstrated that the proposal is technically feasible and that MRI can obtain all the necessary permits. If State Grant funds can be transferred from GLSD to NESWC, on the surface this proposal seems to make the most amount of sense. If it can be demonstrated that the project is fiscally responsive and if we can mitigate incineration projects in the Town, I firmly believe that significant environmental issues will be abated in a cost-effective manner.

A significant amount of work needs to be done during the next 30 days, and it will be necessary for me to engage the services of Jerry Hopcroft to deal with some of the permitting issues and others to deal with transfer of grant funds and to coordinate activities with member communities and the Sanitary District Board. I ask the Board of Selectmen to authorize me to expend funds for that purpose from the budget that has been established for consulting services relating to the Sanitary District. Initially, I would ask that you authorize me to expend an amount not to exceed \$ 5,000. If additional funds are required beyond that amount, I will seek further authorization.

JG:map



(d)

NORTH EAST SOLID WASTE COMMITTEE

MINUTES
of the
EXECUTIVE COMMITTEE MEETING
of
NOVEMBER 5, 1992

This meeting of the Executive Committee was called to order by Chairman Robert Moroney at 2:01 pm. Those present were:

Robert Moroney (Manchester)	Henry Rugo (Lincoln)
Richard Spiers (Lexington)	Linda Bergman (Peabody)
Robert McQuade (Andover)	Robert Palmer (Wilmington)
Donald Marquis (Arlington)	Edward Barker (Winchester)
Stephen Casazza (N. Reading)	Don Johnson (Acton)
Jeff Hull (Wilmington)	Peter Buhler (Financial Advisor)
Peter Castanino (Belmont)	Ruth Ellen Fitch (Palmer & Dodge)
John McMahon (Watertown)	Richard Bowler (Arlington)
Michael Caira (Wilmington)	Craig Blais (Arlington)
John Graham (N. Andover)	Jack Bowler (Arlington)
Robert Halpin (Westford)	Anthony Lore (CDM)
Robert Weimer (CDM)	Gary McCarthy (Dracut)
Peter Buhler (Financial Adv.)	Peter Terris (Palmer & Dodge)

The minutes the Executive Committee meeting of September 24, 1992 were not available and therefore passed over until the next meeting.

The Chairman noted that the minutes of the Executive Committee meeting of October 22, 1992 were erroneous and would be rewritten.

Mr. Robert Weimer and Mr. Anthony Lore of Camp Dresser & McKee, Inc. quickly briefed the Committee on the status of the scrubber study including their analysis of pending Clean Air Act Amendments, available technologies to deal with the new ash pollution regulations, approximate costs for the technologies and the ability of the MRI facility to accommodate changes in air pollution control systems.

Mr. John Graham of North Andover then read two letters from Mr. James Gordon, Town Manager of North Andover. The first letter stated that North Andover had succeeded in urging the Greater Lawrence Sanitary District (GLSD) to delay awarding a contract for air pollution improvements to GLSD's incinerators for 30 days, pending a determination of whether sludge could be incinerated at the MRI facility. Mr. Gordon requested NESWC to appoint a subcommittee to work on the review of this issue. Messrs. Donald Marquis, Robert Halpin, Stephen Casazza and Edward Barker volunteered to work on this issue.

Mr. Gordon's second letter had four items of concern. They are as follows:

1. North Andover requests payment of \$25,000 for the expenses the Town and Industrial Development Finance Agency (IDFA) incur relative to the refinancing of the NESWC bonds. The Executive Committee noted that the IDFA should not incur any costs relative to the transaction but took no action on the request until the IDFA explains what costs they will incur and why the legal and financial consultants currently retained by NESWC cannot provide the IDFA with the information they require.
2. North Andover believes that a new road parallel to the Merrimack River connecting Charles Street and Holt Road will reduce truck traffic on the local roads. North Andover is requesting that NESWC provide \$50,000 for the purpose of conducting a feasibility study and that NESWC participate in the engineering effort required to bring the roadway project forward; as well as provide to provide funds for economic development within the impacted area. Mr. McQuade noted that recent news articles predict an infusion of cash from the state for infrastructure improvements and repairs. Mr. McQuade MOVED and Mr. Marquis SECONDED to fully support and assist North Andover in petitioning the Massachusetts Highway Department for project approval and construction. It was VOTED by the Committee.
3. North Andover feels that it is vitally important for the Executive Committee to commit to hiring a full-time interim Executive Director until a permanent Director is hired. North Andover wants to address the Service Agreement, sale of plant capacity, and establishment of GAT levels, among other concerns. They feel these issues need to be dealt with now and that they cannot be properly addressed by committees working on a part-time basis. Mr. Marquis MOVED and Mr. Spiers SECONDED not to hire an interim Executive Director. It was so VOTED.
4. North Andover suggests that NESWC appoint a subcommittee to address long range issues such as a marketing strategy, long range strategic planning and improving relations with MRI. The Committee noted that these tasks were identified as items to be undertaken by the new Executive Director and upon a MOTION by Mr. Spiers, SECONDED by Mr. Rugo, it was VOTED to take no action on establishing a subcommittee.

At 2:55 pm the Executive Committee (by Roll Call vote) voted to go into executive session to discuss the arbitration issue and return to open session after that discussion. The open session resumed at 3:30 pm.

Ms. Ruth Ellen Fitch of Palmer & Dodge then briefly updated the Committee on the status of the refinancing. Mr. Johnson (Acton) asked how the communities would pay if any judgements result from the arbitration. Ms. Fitch responded that IDFA bond issues are for "projects" and not for judgements. Funding via a bond bank concept through the Massachusetts Industrial Financing Agency (MIFA) is possible, but expensive. Another funding option is for each community to borrow its share, or to put it on the tax rate. A third option is for NESWC to negotiate a payment schedule with MRI. Mr. Marquis noted he would prefer to negotiate with MRI before going back to his community. Palmer & Dodge was asked to look into other options before a decision is made on this issue.

Mr. McQuade then asked how many communities had agreed to make an advance payment. Mr. Moroney reported that 15 communities had indicated their ability to make the payment. Mr. Moroney then stated he will contact all other communities for further response. Mr. Marquis MOVED. Mr. McQuade SECONDED and it was VOTED to implement the advance payment plan if, and only if, all 23 communities agree to the advance payment.

The Committee next discussed GAT reduction and it was decided that all communities should reaffirm (in writing) their desired new GAT.

Mr. Moroney noted that there will be a need for an Advisory Board meeting in late November.

Mr. Richard Bowler asked who checks the accuracy of MRI's invoices on behalf of NESWC. The answer was no one at present. Mr. Buhler discussed the need for control and forecasting systems. Mr. Spiers asked what type of person would be needed for billing and forecasting. Mr. Buhler responded that a full time individual would probably be needed. Mr. Spiers asked if it would be feasible to hire an auditor in the interim. Mr. Buhler indicated that the new Executive Director would need to meet with NESWC's auditors to develop the needed control system.

Mr. Moroney then updated the Committee on the Lowell negotiations indicating that Lowell was interested in a five year contract. The Committee indicated that a three year contract was the maximum length to be considered at this time.

During a discussion of the waste bans, Mr. McQuade stated it was time to get all the NESWC legislators together with the communities to reaffirm the additional costs resulting from the DEP mandates. A legislative breakfast was suggested as a means of communicating this problem.

This meeting was adjourned at 4:40 pm.

TOWN OF NORTH ANDOVER, MASSACHUSETTS
OFFICE OF
TOWN MANAGER
120 MAIN STREET, 01845

James P. Gordin
Town Manager



TELEPHONE 682-6483

November 5, 1992

Mr. Robert W. Moroney, P.E.
Executive Director
Northeast Solid Waste Committee
109-123 Main Street
North Andover, MA 01845

Dear Rob:

As NESWC moves forward with the refunding plan, I feel that it is vitally important that NESWC and the Town of North Andover continue to discuss the concerns of North Andover that have previously been outlined for you and the Executive Committee in our various correspondence. Last Monday's meeting, with the Board of Selectmen was very helpful and certainly was an expression on NESWC's part of its willingness to participate in discussions which hopefully will lead to resolving several of the Town's concerns. In order to keep the process moving, I would like you to discuss with the Executive Committee today and seek the Executive Committee's support for the following items:

1. In order to cover the Town's and the IDFA's expenses associated with the review of the refunding proposal and documents, we request that a fee of \$ 25,000 be paid for those purposes.
2. As I have expressed to you and other members of the NESWC community, North Andover has significant concerns about the flow of traffic on Town streets, and we believe that a road, running from Charles Street to Holt Road, on the riverbank, would be a significant step in alleviating some traffic concerns. That project could be a sizeable undertaking, and we would like all of the regional facilities along that corridor to participate in the planning and engineering associated with that project. I would request that NESWC provide \$ 50,000 for the purpose of conducting a feasibility study and participating in the engineering effort required to bring this project forward, as well

Mr. Robert Moroney
NESWC
November 5, 1992
Page 2.

as to provide funds for economic development within the impacted area.

3. Once again, North Andover feels that it is vitally important the Executive Committee commit to hiring a full-time Interim Executive Director who will serve until such time as permanent replacement for Jerry Hopcroft can be recruited. Given all of the issues that NESWC needs to deal with, including this refunding as well as issues relating to the sale of capacity and a review of the service agreement, as it relates to the sale of electricity and establishment of GAT levels, we feel that it is critically necessary to have a full-time Executive Director in order to deal with these issues. It is clear to me, as well as the North Andover Board of Selectmen, that those efforts require a considerable amount of time, and we cannot wait until such time as a full-time Executive Director is put in place. These issues, in our mind, cannot be dealt with on a part-time basis by Committees.
4. I feel that it would be appropriate for the Executive Committee to establish a sub-committee of its members, perhaps consisting of three to five members for the purpose of developing a strategy and a clear policy relating to attracting new members into the NESWC consortium, to review the service agreement, develop a better working relationship with Wheelabrator, and develop a strategic plan for the future. I would certainly be willing to participate in that process, and I am quite certain that other managers from member communities would likewise be willing to offer their assistance. I would ask that you seek action on the establishment of this sub-committee at today's meeting.

As I expressed to earlier, last Monday's meeting with the Board of Selectmen was very helpful, and I want you and other members of the NESWC community to know that North Andover is willing to participate in the refunding proposal. We certainly understand the economics of the issue and the Executive Committee is heading in the right direction by bringing this initiative forward. I would appreciate it if you would ask the Executive Committee to address the fore-going issues so that I can report

Mr. Robert Moroney
NESWC
November 5, 1992
Page 3.

to the North Andover IDFA and the Board of Selectmen some positive actions concerning our requests. If you have any question, please feel free to give me a call.

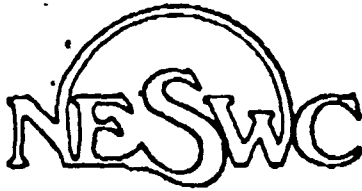
Sincerely,



James P. Gordon,
Town Manager

CC: Board of Selectmen
Jack Graham

JG:map

to
609
10.5.9

(F)

NORTH EAST SOLID WASTE COMMITTEE

MEMORANDUM

CONFIDENTIAL

To : Jim Gordon
Goodloe Suttler
Jim McIver
Robert McQuade
Robert Moroney

From : Francis J. Hopcroft
Executive Director

Subject: SLUDGE COMBUSTION AT NESWC FACILITY

Date : September 30, 1992

NESWC, the Town of North Andover, MRI, and the GLSD have been seriously discussing the concept of burning GLSD sludge at the NESWC refuse incinerator for several months. NESWC and the Town of North Andover strongly favor such a move, MRI is a willing participant if certain legal and operational constraints can be overcome, and the GLSD appears to be a willing participant on a non-exclusive basis. At the same time, the GLSD is moving forward on plans to retrofit its sludge incinerators with the help of a grant from the Commonwealth of Massachusetts (Water Pollution Control Division) of approximately \$20,000,000. The Town of North Andover opposes the reopening of the GLSD sludge incinerators and the construction of the necessary adjunct ash pit.

Recent discussions between the Town, NESWC and MRI have focussed on ways to resolve the Town's concerns about sludge combustion at GLSD with their desire to increase revenues from the NESWC facility by possibly shifting the Water Pollution Control grant away from the GLSD to the NESWC project and using those funds to do an advanced retrofit to the NESWC facility such that the GLSD sludge could be reliably burned at the NESWC facility.

The plan concept has been reviewed internally at MRI and they have concluded that the plan is technically feasible. There is some remaining concern about the effects of the volume of sludge, at the water content currently contemplated, on the current high refuse burnout rate being attained at the NESWC facility and on the effects adding sludge to the process would have on the regulatory characterization of the resulting mixed ash. MRI is continuing to review those issues internally and will provide responses within a few days.

Hunter Inc. 617 254.9800
Home 617 762.1270

Assuming that the results of the MRI analyses prove positive, a test program is expected to be required to demonstrate that combustion of the ash can be done safely and to determine the changes needed in the retrofit of the NESWC plant as currently contemplated, if any. MRI has estimated the cost of such a test program, to run for two weeks, to be in the order of \$350,000 to \$375,000. In order to do such a test, however, approvals would be needed from the DEP Air Branch and Solid Waste Bureau (and possibly from the parallel agencies within the federal EPA). In addition, if the test program proved successful, the DEP Water Pollution Control Division, and possibly the GLSD, would have to consent for the proposed GLSD grant to be switched to NESWC. Consequently, a meeting with appropriate people within the Executive Office of Environmental Affairs and the various affected bureaus and divisions of DEP will be required. A preliminary discussion with Ms. Jamy Buchanan, an Assistant General Counsel to Secretary Tierney of EOE, indicated that the Secretary may not be willing to sit in on initial discussions of that sort, but that it is likely key advisors to the Secretary would do so. Those individuals include the following. The presence of these individuals should be arranged, according to Ms. Buchanan, through the Secretary's scheduler, Ms. Janice Fennel, telephone (617) 727-9800, ext. 207.

Ms. Sonia Hammill, Director of Air Policy
Mr. Leo Roy, Director of Waste Policy

It is also important that appropriate representatives from the DEP Water Pollution Control Division be at that meeting. Suggested personnel include the following.

Mr. Daniel Greenbaum
Mr. Thomas McMahon
Mr. Paul Taurasi

Consideration should be given to whether a GLSD representative, specifically Mr. Donald George, should be invited to attend.

The plan to be put forth to the Commonwealth would include the following elements.

1. Commonwealth to delay grant program to GLSD until test burn can be done at NESWC facility
2. EOE to issue necessary temporary permits to allow the test burn to be done
3. If test burn is successful, WPC to offer NESWC a \$15,000,000 grant to assist with retrofitting the NESWC plant in lieu of the \$20,000,000 grant to GLSD
4. NESWC to accelerate construction of the scrubber retrofit to meet a 1994 deadline, rather than the current federal deadline of 1996
5. Pricing to be set such that GLSD is at least cost neutral, and ideally, cost reduced

The benefits to the various parties from the proposed plan are as follows.

To the Town of North Andover:

1. Eliminates the need to retrofit the three combustion units at GLSD and the need to build the adjunct ash pit
2. Increases the revenues to the Town through increased Host Community fees paid for the increased tonnage at the NESWC facility
3. Solves a sludge management problem within the Town in a manner satisfactory to the Town
4. Accelerates the retrofit of the NESWC facility

To the GLSD:

1. Can reduce operating costs significantly by eliminating the need to internally finance up to \$10,000,000 for the retrofit, thereby reducing future assessments to member communities
2. Eliminates an operational problem for plant personnel
3. Improves public acceptability and image of the facility

To NESWC:

1. Reduces internally financed cost of scrubber project by up to \$10,000,000 through the use of grant funds, thereby reducing future tipping fee increases
2. Accelerates the construction of the retrofit, which improves NESWC acceptability and image in the community
3. Increases tonnage to the plant, at a relatively high price, which, in turn, reduces future NESWC tipping fees appreciably

To the Commonwealth:

1. Eliminates three combustion units in the Merrimack Valley
2. Eliminates the need for an ash landfill project in North Andover
3. Accelerates the retrofit of the NESWC facility
4. Saves the Commonwealth up to \$5,000,000 in grant funds
5. Aids greater regionalization of waste management practices, which is encouraged by the Commonwealth's Solid Waste Master Plan

In summary, the proposed plan can be beneficial to all parties as it now stands. There is also the possibility of NESWC tying the plan to the current on-going negotiations with the Commonwealth regarding repayment of funds advanced to the NESWC project in the late 1970s and early 1980s to get the NESWC project up and running. By doing so, it may be possible to eliminate the need for NESWC to repay the remaining \$2,500,000 not yet settled through the negotiation process in exchange for accepting a lesser grant amount than the GLSD was to have received. Exchanging a \$5,000,000 grant expenditure reduction by the Commonwealth for a \$2,500,000 obligation release from the Commonwealth ought to make sense to everyone.

A suggested schedule for this project is:

1. By about October 6, 1992, MRI to determine whether the project is technically and legally feasible
2. If feasible, by October 15, 1992, set meeting with DEP and EOEa personnel
3. Obtain permits for the test burn by November 30, 1992
4. Conduct the test burn and analyse results by December 30, 1992
5. Complete grant reallocation negotiations not later than February 1, 1993
6. Begin design and permitting of expanded NESWC retrofit project not later than February 28, 1993
7. Complete construction and startup of the NESWC retrofit project by September 30, 1994

This is very ambitious schedule, but just such a schedule is necessary if this proposal is to become reality.

North Andover wrestles with poor bond rating

By Caroline L. Cole
SPECIAL TO THE GLOBE

NORTH ANDOVER - As the 8,469 public school children here anxiously await their first period report cards, town and school officials are agonizing over their own report card, one which measures their performance as fiscal managers.

Citing a five-year history of revenue miscalculations by town officials, an accumulated \$2 million operating deficit and a higher than average debt per capita, Moody's Investor's Service in New York lowered North Andover's municipal bond rating two weeks ago to "Baa." Translated into academic parlance, North Andover Selectwoman Marty Larson said, "that would be like getting a D. We're hanging on by our fingernails."

Among the 25 NorthWest communities, only Lawrence has a lower municipal credit rating - "Ba," or junk bond status. Four towns in the region - Belmont, Concord, Lexington and Winchester - carry Moody's highest rating of "Aaa." The other 19 communities in the region have ratings spread evenly among "Aa," "A1" and "A," with Dracut at "Baa1" and Lowell sharing North Andover's "Baa" rating.

"This was sobering news for us," said Larson, chairwoman of the North Andover Board of Selectmen. "It will affect the delivery of all town services, police, fire and public works. But there is no question North Andover's bond rating will affect schoolchildren most directly in terms of what we can afford to provide. It already has."

Bond ratings are intended to give investors guidance when considering bond offerings sold by communities to finance major construction projects and big ticket items, according

to Jane Dougherty of Moody's. North Andover requested the review last month as part of its preparations to sell on Nov. 1 a \$7.1 million general obligation bond to fund several small projects, including water system improvements, a new fire truck and town building renovations.

The investment community uses the bond rating to set the interest rate at which the bond will be paid back so that, generally speaking, the higher the bond rating, the lower the interest rate, Dougherty noted.

As a measure of credit-worthiness, bond ratings are an important measure of fiscal health, according to

However, because North Andover enjoys a higher per capita income than either Lowell or Lawrence, Moody's opinion of North Andover's financial management should be disturbing, he said.

Quick to acknowledge the seriousness of Moody's analysis, town manager James Gordon said he believes the town is already on an upward trend. "The good news is that we did change the tide this past year by showing a \$700,000 surplus, which means we've shrunk the operational deficit to \$1.3 million," Gordon said. "The bad news is that it wasn't enough to retain our 'Baa1' rating."

Town finance director Kevin Mahoney said because the bonds were sold in a favorable market, the lowered "Ba" rating will only cost North Andover an estimated \$35,000 in extra interest next year. "While it is hard to make strict comparisons, we sold our bonds at a 6.5104 percent interest rate compared to the 5.95 percent Leominster won on a 'Baa1' rating at about the same time," Mahoney said.

To put their financial house in order, the Board of Selectmen has announced an austerity program that calls for level-funded budgets for all departments for the coming year. "Some officials think we should try to cover the entire deficit this next year, but I don't think that is practical, particularly when you consider we have to cover previously negotiated employment contracts which do contain salary increases," said Larson, of the Board of Selectmen.

But to some town officials, just tightening an already narrow belt isn't the answer. Don Rodgers, chairman of the town's Advisory Board, has asked the selectmen to institute a trash pickup fee which he believes could raise an additional \$1 million a year as well as asking some

Municipal debt and bond ratings

A comparison of the municipal bond ratings of the 25 NorthWest communities compared to their populations and general indebtedness. Debt per capita is one measure of a community's ability to pay for current and future projects.

CITY/Town	Moody's bond rating	Principal debt as of 6/30/92	Population	Debt per capita
Acton	Aa	\$ 3,230,000	17,509	\$184.47
Andover	Aa	38,000,000	29,874	1,272
Arlington	Aa	3,540,000	48,000	73.75
Bedford	Aa	11,335,000	11,900	952.52
Belmont	Aaa	9,500,000	26,300	361.21
Billerica	A	20,605,000	37,029	556.45
Burlington	Aa	14,305,000	22,859	627.76
Carlisle	Aa	10,712,700	4,356	\$2,459.29
Chelmsford	A1	27,515,000	31,924	861.89
Concord	Aaa	12,830,000	17,076	751.35
Dracut	Baa1	5,120,000	25,594	200.05
LAWRENCE	Ba	38,303,508	70,208	545.57
Lexington	Aaa	25,205,000	28,974	869.92
LOWELL	Baa	13,300,000	113,000	117.70
MEDFORD	A	4,555,000	57,407	79.34
Methuen	A1	18,950,000	40,000	473.75
North Andover	Baa	29,575,000	23,920	1,236.20
North Reading	A1	1,836,661	12,216	150.35
Reading	A1	10,755,000	22,500	478.00
Stonham	Aa	4,698,534	22,203	211.61
Tewksbury	A	19,926,000	28,500	699.15
Westford	A1	17,359,900	16,787	1,034.12
Wilmington	A	8,860,000	18,130	488.69
Winchester	Aaa	7,773,000	21,000	370.14
WOBURN	A	10,090,000	34,000	296.16

SOURCE: Source: Moody's Investor's Service and municipal officials

Compiled by Caroline L. Cole

For Diane Huster, School Committee chairwoman, a trash fee is the easy answer. "I know it isn't politically popular to talk about a trash fee but we don't elect leaders to do what is popular," Huster said. "We elect them to show some leadership and do what is best for the town. Good schools are important to everyone, whether or not they have children in schools because they affect everyone's property values."

Both Rodgers and Huster said what they find most disheartening about the lowered bond rating is what it means when North Andover is matched up to communities of similar size and type. "North Andover's budget is \$32 million with a population of 23,000, and Andover has a budget of \$54 million for a population of 27,000," Rodgers said. "Given such a wide disparity, one might conclude Andover is wasting millions and millions of dollars on services to their citizens. I think not."

Larson notes Andover has a higher per capita income than North Andover does, as do the other four NorthWest communities with "Aaa" bond ratings. State figures show Andover with a per capita income of \$26,327. Belmont, which has a population of similar size to North Andover at 24,720, has a per capita income of \$26,793. By comparison, Lawrence's per capita income is \$9,686.

"Comparing North Andover to Andover is fair to an extent but people need to understand that when Proposition 2½ hit here, North Andover was just further behind," Larson said.

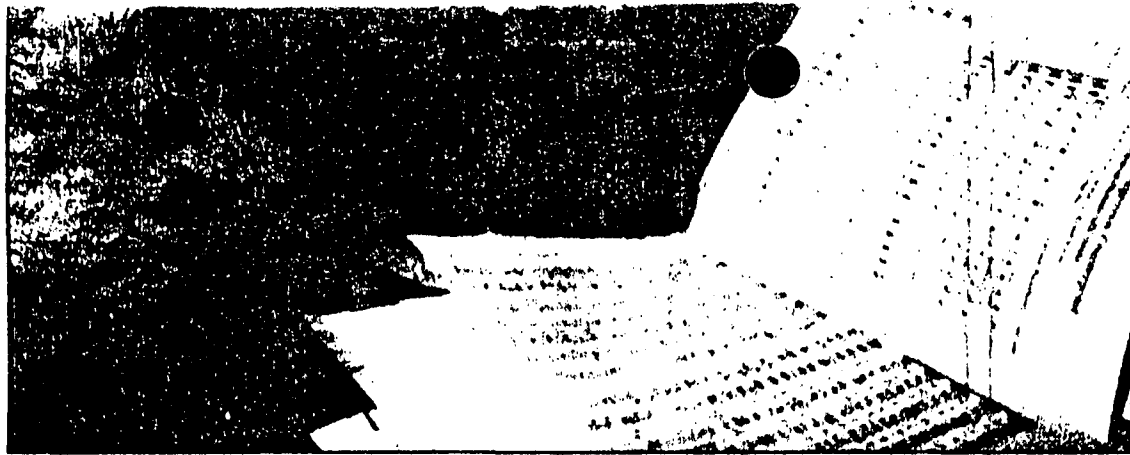
But Huster said the issue is about choices, not lack of funds. "North Andover can afford better for its children," she said. "The fact is we have gold plated our water system at the expense of the schools."

nontaxable entities, including the Greater Lawrence Sanitary District and Boston University, to make in lieu of tax payments to cover their use of town services.

"The operating budgets of all departments have been cut to the bone already and we desperately need to build a new elementary school," Rodgers said.

Opinion





GLOBE STAFF PHOTO / LANE TURNER

MONSTER MAESTRO – Eric Kurtz, a bass vocalist with the 35-member *Monster Signers of Lexington*, tunes up during a dress rehearsal for the group's Halloween concert next Saturday at Lexington's First Parish Church. *Noteworthy, Page 11.*

Boston to draw up plans for the project in October 1982, not a shovel of dirt has been turned to date. Several groups, from the city of Cambridge to Minute Man National Historical Park, have raised questions over the environmental impact of the widened road.

As a result, the project has moved forward no more quickly than the stop-and-go commuter traffic that negotiates the heavily traveled stretch of road each morning and afternoon.

"It's not the most complicated project I've ever worked on, but it may be the most drawn out," said Dick Cook, project director for the BSC Group. "If there's been a complication, it's the numerous parties of interest that have been brought to the table to express their concerns."

"Trying to get a consensus of all

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North Andover fights plant

By Caroline L. Cole
SPECIAL TO THE GLOBE

NORTH ANDOVER – Despite a new \$8.4 million state grant to sweeten the deal, town officials are moving quietly to block a four-year-old plan to construct new sludge incinerators at the regional sewage treatment plant here because they believe the \$21.5 million price tag amounts to financial as well as environmental suicide.

Although past problems with trucking the black gooey residue of the waste water treatment process out of town have convinced the state Department of Environmental Protection to pledge a total of \$17.5 million to the project, North Andover's

unpaid representative on the Greater Lawrence Sanitary District's Board of Commissioners believes the financial and environmental costs for the five communities that jointly own the Greater Lawrence Sanitary District far outweigh the security offered by the local disposal method.

"Given the questionable financial health of the plant itself and of the five member communities, particularly Lawrence, to assume a \$10 million debt without exhausting all other alternatives is irresponsible because it could send the plant into receivership in the not so distant future," said Goodloe Suttler, who sounded his alarm as the plant's manager, Donald George, prepares the legal documents to finance the project through the sale of conven-

tional municipal bonds.

"In my opinion I do not think George has adequately considered alternatives which would not only be cheaper but would be more environmentally attractive, especially to those who live closest to the plant."

To back up his point, Suttler pointed out that Lawrence, which is burdened with a junk bond rating of BA, is a year behind in paying its \$4 million annual plant fees, and that the plant in turn is behind paying its suppliers by as much as a year.

"These incinerators are being sold to Lawrence on grounds that it will cut their sewer rate in half, but based on financial information provided by the district's director, there is no evidence the incinerators would

PLANT, Page 4

*'There's a good old boy
in a town'*

Mother

Town split c

By Jerry Taylor
GLOBE STAFF

WILMINGTON – It was a week of controversy for William J. Fay Jr., the town's school superintendent who is scheduled to leave Dec. 31 after four years in charge of the 2,900-student system.

First, he reduced the penalties for what he called "criminal" conduct by students at a preseason football camp hazing, angering some members of the Wilmington School Com-

mittee. depart agrees \$80,142 \$5,000 and \$5, he pro forgo.

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North Andover fights incin

■ PLANT

Continued from Page 1

cause costs to go down anytime soon," said Sutler, who is a vice president of Analog Devices in Wilmington.

"In no way do I consider myself an expert on sludge disposal issues, but as the vice president of a major computer company I do understand financial issues and I think this project presents a major financial risk to all the district's member communities," he said.

Based on an initial financial analysis by Sutler, as well as historic opposition to restarting incinerators, the North Andover Board of Selectmen is prepared to take whatever legal action necessary to block the project, including withholding building permits, according to town manager James Gordon.

North Andover may get a new ally in its fight to keep the incinerators cool. William Gaughan, the chief of the Department of Environmental Protection's Northeast District office, said he was unaware that Lawrence was behind in making its annual payments.

"While we at the DEP cannot mandate whether or not the plant builds incinerators, as far as we are concerned the status quo is working. Since we have seen no recent problems with the out-of-state disposal, we are certainly not going to go in there and tell GLSD it must build incinerators," said Gaughan.

The 17-year-old waste-residue burners at the plant on the banks of the Merrimack River have been idle since 1989, when the state Department of Environmental Protection shut them down for serious air pollution violations, including emissions of cancer-causing cadmium and lead.

As a part of the state's lawsuit

Environmentalists foresee pollution risk

The most frequent argument opponents give to restarting the incinerators at the Greater Lawrence Sanitary District is the burden the region is already bearing from this type of trash disposal.

Three major municipal incinerators are located within three miles of the Greater Lawrence Sanitary District plant, burning an average of 3,857 tons of garbage per day. The Northeast Solid Waste Committee's twin incinerators, which handle 1,607 tons per day, is the district's closest neighbor located two miles away in an industrial park behind the AT&T Plant on Route 125 in North Andover. Ogden-Martin Systems operates the two other facilities - one within Lawrence city limits, which handles 900 tons per day, and a second down the Merrimack River just over the Haverhill-North Andover line, which processes 1,650 tons per day.

In addition, northeastern Massachusetts is host to a fourth 1,500-tons-per-day incinerator in Saugus. Two others are proposed for the town of Salisbury.

The concentration of incinerators within the region is of concern to environmentalists because air pollution standards depend on the quick dissipation of toxic smokestack emissions.

"The more incinerators you have in an area, the more the air pollution problems are magnified because the air pollutants do not get disbursed as quickly and the particles emitted become more concentrated," said Amy Perry, the incineration specialist for the Massachusetts Public Interest Research Group, or MassPIRG.

Massachusetts ranks top among all states in using incineration for trash disposal, according to a recent survey published by the Perry's lobby agency. The commonwealth scored 97.4 points out of 100 in a survey that considered eight measures of the environmental and economic consequences of burning trash, according to Perry. Connecticut ranks second with a score of 92.9 and Florida is third with a score of 88.6.

CAROLINE COLE

that led to the shut down, the Greater Lawrence Sanitary District signed an agreement with the state attorney general's office to replace its incinerators with modern equipment. As a temporary measure the state has been allowing the plant, which serves the 189,792 residents of

Andover, Lawrence, Methuen, North Andover and Salem, N.H., ship its sludge out of the area for disposal.

Initially the sludge was trucked to the Gloucester city landfill, but complaints from the neighbors over the smell forced the plant to locate

nerator

disposal sites in Rhode Island and New Hampshire.

But because plant manager George asserts incinerating the sludge locally would save the plant \$2.2 million annually in processing costs, he has pursued a number of alternatives to finance the cost of restarting the massive furnaces.

With an initial commitment of \$9.1 million from the state, George spent the last year attempting to find a private firm interested in refitting the sludge burners with modern air pollution controls and running them for a profit. George abandoned this "privatization" route during the summer when he received only one conditional bid from Wheelabrator Technologies in Hampton, N.H., for \$35 million.

He returned to the Department of Environmental Protection this summer and was granted another \$8.4 million to help ease the burden on the local communities. Tom Mahin, the project's engineer at the Department of Environmental Protection, said his department agreed to use funds once earmarked for a future district project, in part because of Lawrence's poor financial condition. "While it is true the district may have to pay more in interest costs because of Lawrence, it will be on a smaller amount of money because the state is picking up 70 percent of the incinerators' costs," Mahin said.

Two weeks ago, George opened the two bids he received on the project, with the lowest bid offered by the Von Rol Company of Athens, Georgia, an international sludge-furnace builder. Barletta, a construction firm in Roslindale, would be the general contractor.

But Sutler said the \$7 million to \$10 million the district would have to bear is still too risky because George is counting on repaying the loans with \$1.5 million in addition in unspecified revenues.

"If Lawrence continues to have problems in paying its share of the plant's operation and the plant is unsuccessful in bringing in more sludge to process, cash flow to keep the plant running could be a major problem," Sutler said.

Among the alternatives Sutler believes George has overlooked is composting, the option now being used by the Massachusetts Water Resources Authority at a site in Quincy, and co-incineration. "Within two miles sits two incinerators which are currently underutilized," said Sutler, referring to the trash burners operated by the municipally owned North East Solid Waste Committee. "In Europe these municipal incinerators burn both trash and sludge. Considering the NESWC facility must add new air pollution equipment by 1995, it

seems to make all around better sense financially and environmentally to pursue a joint arrangement."

Kevin Stickney, the spokesman for Wheelabrator Technologies which runs the NESWC plant, said his company would be more than willing to research a co-incineration option should the 21 municipalities that own the plant contact them. But George pooch pood the NESWC option, saying no one is interested in

talking to him. "We tried to contact them as recently as June," he said.

Sutler said that information alone doesn't discourage him because he realizes co-incineration would require lengthy studies.

So while attorneys pore over the financial documents later this month, Sutler will be touring facilities in Europe he believes offer safer, sounder sludge disposal options.

Lawrence keeps eye on Salisbury meeting

By Caroline L. Cole
SPECIAL TO THE GLOBE

LAURENCE - Mayor Kevin Sullivan and the managers of the city's remaining textile manufacturer will be watching closely tomorrow night when the town of Salisbury votes on a town meeting article that would allow the siting of a new trash incinerator there.

Ogden-Martin Systems, headquartered in Fairfield, N.J., operates the 900-ton-per-day trash burner here at the Arlington Mills industrial park off Broadway. The 8-year-old trash burners provide steam and electricity to Malden Mills, which employs 2,200. And as host community, Lawrence pays a reduced processing fee of \$43.09 per ton.

"We've got another nine years to run on our contract with Ogden-Martin, so closing the plant here doesn't affect the city's garbage disposal program. In fact, we want to extend our contract with Ogden-Martin," said Marty Rubeo, director of administration and finance for Lawrence.

The mayor, however, is very concerned that the incinerator shutdown would disrupt a power resource to Malden Mills.

Officials at Malden Mills say they are also watching the situation closely because the incinerator has provided their plant with "economical power."

With the deadline to meet more stringent federal Clean Air Act emissions standards less than three years away, the international waste conglomerate expects to decide in six months whether to upgrade its Lawrence facility or close it, according to Barbara Badino, director of corporate communications for the company.

"Because the Lawrence plant represents older technology, it will have to either be retrofitted or replaced," Badino said. "We won't know whether we will be staying in Lawrence until we can determine whether or not there is another, better site within a 50- to 75-mile radius

of Lawrence."

As a part of that study process, the company has been wooing officials in several eastern Massachusetts communities with financial incentives to allow the construction of a new facility in these various communities. Salisbury's town manager, Michael Basque, said company officials have offered \$1.3 million annually to the community of 6,500, the amount it currently pays to operate its own sewage treatment plant. In addition, the company has offered to pay an estimated \$1.5 million to close the town's landfill.

"There is no question having the incinerator here would help our financial situation," Basque said. "Like everyone else, we have laid off police and firefighters and the schools are hurting."

Badino declined to list the other communities that are being considered along with Salisbury. However, she did say Littleton and Ayer have already been eliminated from the running.

Should Ogden-Martin find a suitable site for a larger facility, the company expects the state would require it to shut down the Lawrence facility in exchange for a new permit, Badino said, because of the state's 4-year-old ban on the construction of new incinerators. "However, we do expect to apply for an exemption that would allow us to build a plant up to twice the size of the Lawrence facility," Badino said. "In order to get an exemption from the moratorium, we will have to prove there is enough trash to warrant a larger plant."

Ogden-Martin has already faced defeat once in Salisbury. At last May's town meeting voters refused to allow a zoning change on a 120-acre parcel near the intersection of routes 1-495 and 1-95 by a slim 16-vote margin.

Property owners of an adjacent parcel are sponsoring the similar petition which appears on tomorrow evening's agenda. The petition, which would rezone several residential parcels to light industry, must pass with a two-thirds majority.

cc: BOS - FYI

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DELIVERED BY FAX

DATE: 11/25/92

TO: Bob Moroney
FROM: John Murray
SUBJECT: FY92's Overcharge Analysis

Thank you very much, for the correct and timely analysis on Acton's trash deliveries for FY92. We agree with the analysis that Acton was overbilled by \$76,731.39. We have three remaining issues to be resolved concerning the FY92 bills.

1. As you are aware, Acton did not pay the amount that was billed, because of the overcharge. Due to the fact that your analysis supports our original position, we feel that any interest charged on the unpaid portion must be rebated.
2. Acton paid \$16,119.35 for the NESWC Advisory Board Fee in FY92. Our analysis shows and we concur that we delivered 10,233.7 tons during FY92. At \$1.50 per ton, the amount should have been \$15,350.55. Therefore, we have overpaid by \$768.80 and we wish to have this credit also applied.

3. Acton has a third issue which needs to be addressed. On the "Community Stabilization Fund Balance - Fiscal 1992" report dated July 20, 1992 (provided to the communities by Jerry) the recorded payment on the 7/15/91 invoice as payment received was \$16,815.61. The actual payment made was \$52,573.56 (please see cancelled check attached). Therefore, Acton's CSF balance is understated by \$35,757.95 and \$2,459.83 of interest due (16 months at 5%)

Thank you again for your time and consideration concerning this matter.

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE:11/24/92

TO: The Board of Selectmen
FROM: John Murray
SUBJECT: Software Costs

Although staff has retracted its request for FY94 concerning new software, I thought you may wish to review Lexington's FY89's Town Meeting action regarding new financial software (Article 31). One caution Lexington's software cost did not include "land use" software or did it include an Assessors' package.

cc: Fincom

8:54 p.m. Fire Chief John Bergeron explained the expected program for excavating and replacing the tanks and the possibility of having to come back for additional funding.

The Town intends to replace steel tanks with fiberglass.

Following a voice vote at 8:56 p.m., the Moderator declared unanimous passage.

ARTICLE 31. FINANCIAL OPERATIONS SOFTWARE

MOTION: That the sum of \$200,000 be appropriated to purchase computer software for the Financial Department, and that such amount be transferred from the Unreserved Fund Balance.

passed
p.324

8:56 p.m. Presented by Selectman Paul Marshall.

9:05 p.m. John Ryan, Comptroller, explained the desire to purchase databased software to run on the Vax 750 and specific problems with the current system.

9:14 p.m. Michael O'Sullivan, Appropriation Committee, recommended favorable action.

9:17 p.m. Paul Hamburger, Capital Expenditures Committee, spoke in favor.

324

(ADJOURNED SESSION, ANNUAL TOWN MEETING, CONT.-APRIL 3, 1989)

Questions and answers followed.

9:36 p.m. Brian Adley, Pr 9, moved the question.

Following a voice vote at 9:37 p.m., the Moderator declared that the main motion would be before the Meeting.

Following a voice vote at 9:37 p.m., the Moderator declared the motion offered by Mr. Marshall to have passed.

ARTICLE 32. LINCOLN STREET DEVELOPMENT

MOTION: That the sum of \$60,000 be appropriated to construct a restroom facility at the Lincoln Street Playground as determined by the Recreation Committee with the approval of the Board of Selectmen, and that such amount be raised in the tax levy.

postponed
see below

IPP - p.349

TOWN CLERK'S OFFICE
1625 MASSACHUSETTS AVE.
-LEXINGTON, MA 02173

PALMER & DODGE

One Beacon Street
Boston, Massachusetts 02108

CC: BOS - FYI

Acheson H. Callaghan, Esq.
(617) 573-0178

Telephone: (617) 573-0100
Facsimile: (617) 227-4420

November 17, 1992

Tom Tidman
Acton Conservation Commission
472 Main Street
Acton, MA 01720

CONFIDENTIAL & PRIVILEGED

Dear Tom:

(Co-Operative Bank of Concord)

I enclose a draft decision, which is based on the evidence presented to the Commission through October 28. It is framed, as I think it must be, in terms of the Acton by-law, and is drafted to give the Commission's decision the best possible chance of being sustained. Nevertheless, I think that the information about the subsequent tests, and the conclusions in Doug Halley's November 13 letter, a copy which I enclose, substantially changes the situation. I, therefore, recommend that the Commission reconsider its decision in light of Doug's letter.

Very truly yours,



Acheson H. Callaghan

AHC/dcb
Enclosure

cc Don Johnson
Rebecca S.K. Webber, Esq.

Background

On September 18, 1991, the Commission denied a Notice of Intent submitted under the Wetland Protection Act (the "Act") and the Acton Wetland Protection By-law by the Co-Operative Bank of Concord ("the Bank") to construct a driveway to access the rear of Lot 4B, 163 Pope Road. The Bank is the successor in title by foreclosure to Lot 4B, which was originally part of the DiMare Farm property. The Commission denied the request, because the information and plans supplied with the application were inadequate and because the Commission had previously granted wetland crossing for construction of a _____ lot subdivision (Stoneymeade Farm) on part of the old DiMare Farm. At the time the wetland crossing for the Stoneymeade Farm was granted, the then owner agreed with the Commission that no other wetland crossing for access to any other portion of the property would be required or permitted.

The Bank appealed the denial of its request to DEP under the state Act and to the Superior Court under the Acton By-law. Following the appeal, additional information was provided to DEP, and the regional office issued a superseding order permitting the work to be done subject to certain conditions. The Commission requested an adjudicatory hearing under the Act and 310 CMR § 10.05(7). DEP has taken no action on that appeal and under its policy will not do so until the appeal under the Acton By-law is resolved.

The Commission, therefore, agreed to a remand in the Superior Court case to give the Bank an opportunity to submit the additional information it had not submitted at the original hearing and such other evidence as they wanted to permit a full review of the issues.

Hearings were held on [insert dates]. The remand proceedings have taken longer than originally anticipated, both because of unavoidable scheduling conflicts and the volume of evidence submitted. The Bank sought certain of the continuances, and by its participation in these proceedings has waived any objections to the delay.

On _____, the record was closed and a motion to grant the request, as amended by the Bank's submissions during these proceedings, was made, but failed to obtain a second. On October 28, 1992, the record was reopened at the request of the Bank to submit additional evidence on the issue whether a septic system could be located on the front of the lot. Further testimony and evidence on that issue was presented, and the record closed again. At that time, the Commission voted 4 to 0 to deny the Bank's request to construct a driveway through the wetlands. This decision contains the Commission's findings and reasons.

FINDINGS

1. Lot 4B contains 6.43 acres. It consists of an upland area of approximately _____ acres adjacent to Pope Road, an extensive irregularly shaped wetland area in the middle of the lot, and a second upland area containing approximately _____ acres at the rear of the lot.
2. The Bank wishes to build a large (5 bedroom) expensive house on the upland area at the rear of the lot. A well and an area which has been approved for a septic system exist in this area of the lot.
3. To reach the rear upland area and the proposed house, it would be necessary to construct a driveway approximately 1,100 feet long from Pope Road to the proposed

house. The Board finds that there is no feasible access to the rear of the lot except the proposed drive. The land abutting Lot 4B on the north-east is Acton Conservation Land. The owners of Lot _____ ("Chickosky") have said that they would not permit access over their land; in any case, it appears that such access would also require a crossing of the wetlands on that lot. Access through the von Broembsen Farm to the rear of the lot has been denied; and is probably not feasible because of the length of the required drive and the possibility of interference with the pond and wetland on abutting property.

4. The proposed driveway, as shown on the most recent revised Plan, Ex. 5, would cross through wetlands at one place and run along the edge of the wetlands for much of its length. The driveway would constitute a permanent alteration of the wetland, which would replace the existing wetland by an impervious structure that would affect groundwater flow and the existing natural habitat. The driveway has been narrowed where it crosses the wetland, thus reducing the area to approximately 3,450 square feet. The Bank has proposed a system of culverts, including a concrete box culvert covered by timbers, to permit the flow of water through the disturbed area. The Bank also proposes to create a wetland replication area of approximately 5,000 square feet in the front of the lot adjacent to the existing wetland.

5. The Commission finds that wetland is a significant area of groundwater protection and wildlife habitat, as described by the consultants retained by the Bank (see Exhibits 6 and 7). The Commission finds, however, that the proposed design of the drive, presented during the hearing by the Bank, constitutes an improvement over the original proposal. The modification decreases the area affected and mitigates the adverse effect on the wetland values. The Board views these modifications favorably and would be prepared

grant the requested permit, if it was convinced that there was no feasible alternative use of the lot.

6. The Commission finds, however, that a house could be located on the upland area in the front of the lot, without the necessity of crossing the wetland. Direct access from Pope Road is available, and the Bank has not demonstrated that construction in this area is not feasible.

7. The Bank originally asserted that percolation tests on the front of the lot precluded construction of a septic system in this area. At the _____ hearing, one of the members of the Commission raised a question whether a septic system in fact could be constructed in this area. The Commission subsequently learned that the Board of Health Regulations had been amended effective August 17, 1992, to permit the construction of septic stems, without a variance, even if the percolation rate exceeded 20 minutes per inch (see Amendment of the Article 11 of the Board of Health Regulations adopted August 17, 1992). The Board, therefore, finds that construction of a septic system in this area is not precluded by the results of the previous percolation tests.

8. At the October 28, 1992, hearing further evidence on this issue was presented in the form of a statement from the Acton Board of Health Officer (Ex. _____) and statements from representatives of the Bank. This evidence is not adequate for the Commission to determine whether construction of a septic system on the front of the lot is feasible or not. Rather, the Commission finds (1) that further deep test holes and percolation tests are necessary, and (2) further exploration of engineering and design options in light of that testing needs to be carried out in order to determine whether a septic system could be

DEL ACTON
13-1992 14148

FROM TOWN OF ACTON

11.16.1992 16:50

ACTION OFFICE-
TO

96333052

P. 2
0172064088:2 1
P.01



OFFICE OF THE
BOARD OF HEALTH

TOWN HALL 475 MAIN STREET
ACTON, MASSACHUSETTS 01720
TEL 864-9484

November 13, 1992

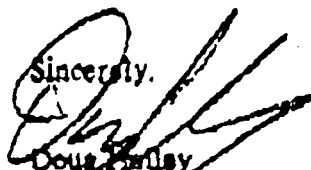
Mr. Steve Callahan
Builders Collaborative Inc.
125 Nagog Park
Acton, MA 01720

Dear Steve:

The Acton Health Department has reviewed the soil tests for Lot 48 Pope Road, which were completed on November 4, 1992. Due to the poor percolation results and the inadequate depth of pervious material, the front portion of that lot has been severely limited for septic disposal use. In the Health Department's opinion there remains a 50' x 44' area where a system could be designed. Based on a design percolation rate of 25 mpi this area would be adequate to support a use of one bedroom or slightly more than 120 gallons per day.

Should you have any questions regarding this matter please contact me at 264-9634.

Sincerely,



Doug Farley
Health Director

Post-It brand fax transmittal memo 7671		of pages 1	
To: Attny Louis Levine		From: Steve Callahan	
Cc: D. Antine, Levine & Gosh		Cc: T.C.B.	
Dept:		Phone: 635-5057	
Fax: 264-4868		Fax: 635-5052	

FILE COPY

ANDERSON & KREIGER
ATTORNEYS AT LAW

STEPHEN D. ANDERSON
(ALSO ADMITTED IN CT)

ARTHUR P. KREIGER
(ALSO ADMITTED IN NY)

GEORGE A. HALL, JR.

ALLAN R. FIERCE
(ALSO ADMITTED IN IL)

CYNTHIA HESLEN
(ALSO ADMITTED IN VT)

The Bulfinch Building
47 Thorndike Street
Cambridge, MA 02141
(617) 252-6575
FAX (617) 252-6899

NOV 18 1992
Western Mass. Office:

20 Federal Street, Suite 1
Greenfield, MA 01301
(413) 774-3392
FAX (413) 772-2558

November 16, 1992

Clerk - Civil Business
United States District Court
U.S. Post Office & Courthouse
Boston, MA 02109

Re: Town of Acton v. W.R. Grace & Co.--Conn.

Dear Sir/Madam:

Enclosed for filing please find Plaintiff Town of Acton's Motion To Quash Excessive Interrogatories Or, Alternatively, For Additional Time To Answer Defendant W.R. Grace & Co.-Conn's Second Set Of Interrogatories.

Thank you for your assistance.

Sincerely,


Allan R. Fierce

ARF/jec
Enclosure

cc: Don Johnson, Town Manager
William J. Cheeseman, Esq.

ACT/COST/339/Clerk.001

CC: BOS - COVER LTR. ONLY.

ENTIRE DOCUMENT IN RF/RETAIN.

(INCL. MOTION TO QUASH,
ANSWERS TO 1ST INTERROGATORIES
& ANSWERS TO 2ND INTERROGATORIES)

CHRIS - PLS. RETAIN COMPLETE SET
OF ORIGINALS IN OUR COST
RECOVERY FILE.

November 12, 1992

NOV 23 1992

Acton: BRIDGE INSPECTION REPORTS

Board of Selectmen
Town Hall
472 Main St.
Acton, MA 01720

Gentlemen:

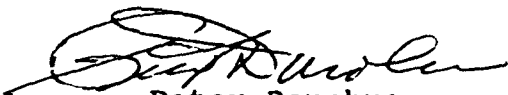
Enclosed is a copy of a bridge field inspection report for the Town owned bridge Wetherbee St. over Nashoba Brook.

Please review this report carefully and take the appropriate action in making the recommended repairs and/or corrections listed on it.

If you have any questions regarding this report please call on us. We will be pleased to review it with you and advise you of any programs available for repairing the structure.

If you require any additional information, please call Mr. Arthur Darley, District #3 Structures Maintenance Engineer, at (508) 754-7204, extension 19.

Very truly yours,

Peter Donohue
District #3 Highway DirectorLAG/
enc.C-LAG
M.O. File

CC: D. ABST-

PLEASE CONTACT P. DONOHUE
AND REMIND HIM OF HOW LONG
MHD HAS BEEN STONE WALLING
US ON THIS BRIDGE. ALSO, I BELIEVE
WE DID WORK IN RESPONSE TO THEIR
LAST REPORT, DID WE NOT?

CC: BOS

ORIGINAL

MASSACHUSETTS HIGHWAY DEPARTMENT INTERIM INSPECTION AND PROCEDURES

8/92

CRITICAL ELEMENT FIELD REPORT

PAGE NO. 1 OF 2

TOWN ACTON		BRIDGE DEPT. NO. A-2-11		STRUCTURE NO. TWN 401-003-100		BOC-DATE INSPECTED 10/29/92	
2-DIST. 4	104-HIGHWAY SYSTEM 8-NON SYSTEM	22-OWNER 03-ACTON	27-YEAR BUILT 1915±	105-YEAR REBUILT 0000	11-MILEPOINT 0.210		
43-STRUCTURE TYPE 302- CONCRETE EXPOSED STEEL STRINGER				QUALITY CONTROL ENGINEER FRANCIS P HARRIGAN II, PE LIC 34728			
07-FACILITY CARRIED WETHERBEE STREET				TEAM LEADER Adolph A. Schmitt, P.E. LIC. 27150			
08-FEATURES INTERSECTED NASHOBA BROOK				TEAM MEMBERS REED M. BROCKMAN			
DATE OF RATING 10/81				90-ROUTINE INSPECTION DATE 2/18/92			

ACTUAL POSTING	<input type="checkbox"/> H 12	<input type="checkbox"/> S 16	<input type="checkbox"/> SS 24	<input type="checkbox"/> SINGLE NA	SIGNS IN PLACE (Y OR N)	<input type="checkbox"/> AT BRIDGE Y	<input type="checkbox"/> ADVANCE N*
RECOMMENDED POSTING (FROM RATING REPORT)	<input type="checkbox"/> H 12	<input type="checkbox"/> S 16	<input type="checkbox"/> SS 24	<input type="checkbox"/> SINGLE NA	LEGIBILITY	<input type="checkbox"/> 7*	<input type="checkbox"/> NA

CRITICAL ELEMENT(S) (FROM RATING REPORT, COMPONENT INV. CAP. < 12 TONS)

	MEMBER	LOCATION	RATING (TONS) H-TRUCK	SECTION LOSS(%)	CONDITION (0-9)	
					PREVIOUS	PRESENT
A	SOUTH SPAN STRINGERS (NON-COMPOSITE)	MIDSPAN	6.1	3%	5	5
B	" " (COMPOSITE)	MIDSPAN	11.6	3%	5	5
C						
D						
E						
F						

RECOMMENDATIONS:

POSTING: AN ADVANCE POSTING SIGN SHOULD BE INSTALLED @ RTE 2. SIGNS AT
BRIDGE STILL OBSCURED BY VEGETATION.

STRINGERS SHOULD BE RERATED PER MEASUREMENTS IN
5/87 INTERIM INSPECTION. NO CHANGE IN CONDITION.

IT WAS RECOMMENDED 2/18/92 TO REPAIR RAILS &
PARAPETS. THEY ARE HAZARDOUS & SHOULD BE REPAIRED.

**MASSACHUSETTS HIGHWAY DEPARTMENT
REPORT OF DEFICIENCIES FOUND
DURING BRIDGE INSPECTION**

FROM: BARNES & JARNIS, INC. DATE: 10/29/92

SUBJECT: DISTRICT 4 CITY-TOWN: ACTON

BRIDGE DEPT # A-2-11 BRIDGE KEY NO. TWN 401-003-100

LOCATION (ITEM 6) NASHOBA BROOK

(ITEM 7) WETHERBEE STREET

A. DO ANY OF THE REPORTED DEFICIENCIES REQUIRE IMMEDIATE CORRECTIVE ACTION?
☒ YES ☐ NO

B. DEFICIENCY NOTED ON PREVIOUS REPORT? DATE OF
☒ YES ☐ NO REPORT 2/18/92

INSP. REPORT ITEM REF. NO.	DESCRIPTION OF DEFICIENCY	SHADE APPROPRIATE ITEMS		
		MAJOR	MINOR	IMMEDIATE REPAIR
POSTING	INSTALL SOUTH ADVANCE POSTING SIGN @ ROUTE 2	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
36.1, 58.8	REPAIR BRIDGE RAILS AND PARAPETS	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	ADDITIONAL DEFICIENCIES LISTED ON 2/18/92 INSPECTION DEFICIENCY FORM	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ATTACHED BRIDGE INSPECTION FORM DATED: 10/29/92

SUASCO

watershed association, inc.

cc: BOS

ROLAND B - PLS. SEE ME.

7/11/25

Organized for the development and maintenance of clean water in the Sudbury, Assabet and Concord river basins

GIS WORKSHOP

SUASCO RIVERS BASIN

L. Mike Meixsell, Exec. Dir. NOV 23 1992
34 Barton Drive
Sudbury, MA 01776

Dear Selectmen, Potential Users and Interested Citizens:

You are invited to participate in the Geographic Information System (GIS) Workshop for the Sudbury-Assabet-Concord River Basin.

PURPOSES OF THE GEOGRAPHIC INFORMATION SYSTEM WORKSHOP:

- (1) To discuss the prospective uses by the municipalities and the public of this newly operational GIS system.
- (2) To evaluate the adequacy of the maps and data currently in the system to provide for the prospective uses.
- (3) To identify deficiencies and to initiate corrective action.

The intention is to complete all corrections required by the municipalities and by the public, by mid-spring 1993.

The GIS data will be used not only by the local municipalities but also by state and federal agencies to make decisions and develop programs for our region. This will range from Transportation Corridor funding to Economic Opportunity grants to Wild and Scenic River planning. The GIS system enables the user to select both the categories of data and the format of presentation desired. The formats include maps, overlays, graphs, charts, lists, and others.

All interested parties are invited. Municipalities and organizations should appoint at least one delegate to the workshop and should notify one of the co-sponsors at the telephone numbers given below so that packets of maps and data can be reserved.

The GIS Workshop for the SuAsCo Rivers Basin will take place at 0700 PM, Thursday evening, 3 December 1992 at the USF&W Great Meadows Refuge, Tel: 508-443-4661, on Weir Hill Road off Lincoln Road in Sudbury.

For info and to reserve map packets, contact:

L. Mike Meixsell, SuAsCo, Sudbury -- Tel: (508) 443-6959
Robert McDonald, OAR, Hudson -- Tel: (508) 568-1751



GEOGRAPHIC INFORMATION SYSTEM WORKSHOP

SPONSORS: Sudbury-Assabet-Concord Rivers Watershed Assn (SUASCO)
Organization for the Assabet River (OAR)

TIME: 0730 PM, Thursday, 3 December 1992

PLACE: USF&W Great Meadows Wildlife Refuge Visitors Center
Wier Hill Road off Lincoln Road
Sudbury, MA 01776

PROGRAM

0730PM WELCOME L. Mike Meixsell, SUASCO
Robert McDonald, OAR
Coordination & Support Steve Johnson, SVT

0745PM INTRODUCTION Walter Bickford, MWC
Workshop Objectives

0750PM DISCUSSION & QUESTIONS

0800PM PANEL & WORKING SESSION

GIS Operational Capabilities and Data Requirements
Local, State, Federal and Public Uses
Data Review, Verification, and Correction Procedures
Facilities Available to Workshop Participants

Walter Bickford, MWC
Laura Rosenzweig, MA GIS
Christian Jacqz, MA EOE

0930PM ADJOURNMENT

BASE MAP & DOCUMENT PACKET:

To reserve packets or for information, contact:

L. Mike Meixsell, SUASCO (508) 443-6959
Robert McDonald, OAR (508) 568-1751

Great Meadows National Wildlife Refuge



Weir Hill Road
Sudbury, MA 01776
(508) 443 - 4661

Directions to Great Meadows National Wildlife Refuge : Visitor Center

From the North West :

Follow Rt. 2 East to Sudbury Road (0.9 miles East of Emerson Hospital). Turn right onto Sudbury Road and continue across Rt. 117 (2.1 miles). At stop sign turn left onto Concord Road (2.4 miles from Rt. 117). Follow to Lincoln-Sudbury High School (0.7 miles), and turn left onto Lincoln Road. Continue to Great Meadows Refuge sign on left (1.4 miles). Turn left onto Weir Hill Road and follow signs to Visitor Center / Headquarters.

From the North East :

Follow Rt. 2 West to Sudbury Road (1.0 mile West of Rt. 126). Turn left onto Sudbury Road and continue across Rt. 117 (2.1 miles). At stop sign turn left onto Concord Road (2.4 miles from Rt. 117). Follow to Lincoln-Sudbury High School (0.7 miles), and turn left onto Lincoln Road. Continue to Great Meadows Refuge sign on left (1.4 miles). Turn left onto Weir Hill Road and follow signs to Visitor Center / Headquarters.

From the South West :

Follow Rt. 20 East to Sudbury. At first traffic light turn left onto Union Avenue. Merge onto Concord Road at stop sign and continue across Rt. 27 (1 mile). Continue to Lincoln-Sudbury High School (1.7 miles), and turn right onto Lincoln Road. Follow to Great Meadows Refuge sign on left (1.4 miles). Turn left onto Weir Hill Road and follow signs to Visitor Center / Headquarters.

From the South East :

Follow Rt. 20 West to Wayland Center. At light, turn right onto Rts. 126 / 27 North for .1 miles, then bear left to stay on Rt. 27 North for 1.7 miles. Turn right onto Water Row road and follow to the end. Turn right onto Lincoln Road and follow for .5 miles. Turn left onto Weir Hill Road and follow signs to Visitor Center / Headquarters.

Note: Sherman Bridge is closed.



CC: ROLAND - PLEASE DISCUSS THE
FEE WAIVER WITH ME (TR 2.5)

CC: BOS

7/11/25

PLANNING BOARD ~~Acton~~ Town of Acton

472 MAIN STREET ACTON, MASSACHUSETTS 01720 TELEPHONE (508) 264-9636

RECEIVED & FILED

DATE Nov. 24, 1992

DECISION
COMMON DRIVE SPECIAL PERMIT Catherine Belbin
179 Pope Road Acton TOWN CLERK, ACTON

DECISION of the Acton Planning Board (hereinafter the Board) on the petition of Bridle Path Realty Corp. (hereinafter the Applicant) for property located in Acton, MA at 179 Pope Road. The property is shown on the 1992 Acton Town Atlas Map F-5, Parcel 12-7.

This DECISION is in response to an application for a Common Drive Special Permit dated October 8, 1992, received by the Acton Planning Department on October 9, 1992 pursuant to Sections 3.8.1.5 and 10.5 of the Acton Zoning Bylaw (hereinafter the Bylaw) and the Common Drive Special Permit Rules and Regulations (hereinafter the Rules).

The Applicant presented the Plan to the Board at a duly advertised public hearing on November 23, 1992 in Room 204 of the Acton Town Hall. Board members Greg Niemyski, James Lee, Douglas Carnahan, Mary Giorgio, William Shupert and John Pavan were present throughout the proceedings. The Applicant was represented by Attorney Charles Kadison of Acton, MA. The record of the proceeding and submissions upon which this decision is based may be referred to in the Office of the Town Clerk or in the Planning Department.

EXHIBITS

Submitted for the Board's deliberation were the following exhibits:

EXHIBIT 1 A plan entitled "Plan of Land in Acton, Mass." prepared for Acton Construction Management, dated 1/9/91, prepared by Lancewood Engineering, Inc., showing lots 8C and 4B and an existing Common Drive leading from Strawberry Hill Road over lot 8C to Pope Road.

EXHIBIT 2 A plan entitled "Stonemead, Lots 7A & 9 Easements Plan" location Pope Road, Acton, Mass. dated January, 1991, prepared by Lancewood Engineering, Inc., showing lots 9 and 7A and an existing 10' wide Common Drive from Pope Road serving three lots.

EXHIBIT 3 Supplementary Documentation required by the Rules consisting of the following:

- a) A properly executed Application for a Common Drive Special Permit.
- b) A certified abutters list.
- c) A deed for Parcel (Lot) 7A from Seymour & Paula DiMare

- to Bridle Path Realty Corporation.
- d) A draft legal advertisement/notice of public hearing.
 - e) A letter from the Lancewood Engineering, Inc. seeking waivers from the Rules, dated October 5, 1992.
 - g) A application cover letter from Charles G. Kadison, Jr. with a brief description of the existing Common Drive, a statement of the applicant's intentions to utilize the driveway, a request for waiver of application fee to require a fee equal to the cost of the review.
 - h) Grant of Easement, including maintenance agreement, from The Cooperative Bank of Concord to Seymour and Paula DiMare.
 - i) Undated Agreement between Stoneymeade Development Corp. and The Town of Acton, recorded in the Middlesex South District Registry of Deeds in Book 18573, pages 60 and 61, which limits the number of new road cuts on the Pope Road frontage.
 - j) Amendment to Agreement between Stoneymeade Development Corp. and the Town of Acton resolving ambiguities and signed in February, 1991.

EXHIBIT 4 Reviews by Town staff and other boards and committees as follows:

Acton Building Commissioner, dated 10/14/92;
Acton Engineering Department, dated 10/28/92;
Acton Tree Warden, dated 10/15/92;
Acton Health Department, dated 11/12/92;
Acton Treasurer, dated 10/13/92;
Acton Historical Commission, dated 10/14/92, and
Acton Planning Department, dated 11/19/92.

EXHIBIT 5 Certified mail return receipts for notices sent to parties in interest.

EXHIBITS 1 through 3 are referred to herein as the Plan.

1 FINDINGS AND CONCLUSIONS

Based upon its review of the Exhibits and the record of the proceedings the Board finds and concludes that:

- 1.1 The Plan shows 2 lots (Lot 8C and 9) currently being served by the existing Common Drive. Lot 8C is an actual user of the Common Drive. Lot 9 is not an actual user since it has a separate driveway for its exclusive use. However, it is served nevertheless by the Common Drive because the Common Drive easement passes over it. The application is to allow Lot 7A, having approximately 1.85 acres, to also be served by the Common Drive and to be an actual user.
- 1.2 The Common Drive is a "Private Way". No "Private Way" sign is currently posted at its entrance on Pope Road.

- 13 The existing Common Drive was created over twenty years ago when no Special Permit was required under the Bylaw then in effect. The addition of Lot 7A to the lots served by the Common Drive requires a Special Permit under the current Bylaw.
- 14 The lot that is proposed to be served by the Common Drive has legal frontage on Pope Road and legal area as required in the Bylaw.
- 15 The Applicant intends to make no change to the existing Common Drive.
- 16 The existing Common Drive is approximately 20 years old. It appears well maintained at this time. In several respects it does not, or may not, comply with the design standards of the Rules (turning radii at Pope Road intersection is unknown; depth and condition of gravel base and pavement layer is unknown; no private way sign; and stopping sight distance is unknown). However, the Common Drive appears to be in good condition and seems to function adequately for the number of lots using the Common Drive for access.
- 17 The Applicant has requested waivers from the Rules as follows:
 - a) centerline profile of existing grades;
 - b) all requirements pertaining to a proposed driveway;
 - c) entrance grade transition area of 40';
 - d) additional drainage appurtenances;
 - e) 40' easement;
 - f) common drive specifications; and
 - g) to allow an application fee equal to the cost of the review.
- 18 Use of the Common Drive, as set forth herein, is consistent with the Master Plan, is in harmony with the purpose and intent of the Bylaw, and is appropriate for the site in question. It complies with all applicable requirements of the Bylaw and will not be detrimental to the neighborhood in which it is to take place.
- 19 Use of the Common Drive will reduce the number of curb cuts along Pope Road.

BOARD ACTION

Therefore, the Board votes to GRANT the Common Drive Special Permit, subject to and with the benefit of the following waivers, and limitations:

2 WAIVERS

The following action is taken on the requested waivers from the Rules:

- 2.1 Section 3.5 - Common Drive Plan. Waiver is GRANTED. Driveway is existing and no construction or alteration is proposed.
- 2.2 Section 3.6 - Letter Authorizing Completion of Improvements. Waiver is GRANTED.

2.3 Section 4 - Design Standards. Waiver is GRANTED. In its present state, the driveway is adequate to serve two regular users.

2.5 Section 5.2 - Application Fees. Waiver is GRANTED. Cost of the review and administration of this Special Permit application is fairly minimal as there is no new construction proposed. Prior to the issuance of an occupancy permit, the Applicant shall show evidence of payment to the Town of Acton of the filing fee in the amount of \$300.00.

3. CONDITIONS

3.1 The Common Drive shall remain private.

3.2 The Common Drive shall be used by lots 7A and 8C only. If any additional lots propose use of this Common Drive, a new Common Drive Special Permit shall be required.

4. LIMITATIONS

4.1 This Special Permit applies only to the Common Drive indicated in the application.

4.2 This decision applies only to the requested Special Permit. Other agreements, approvals, or permits required under the Bylaw, or by other governmental boards, agencies, or bodies having jurisdiction, shall not be assumed or implied by this decision.

4.3 The foregoing restrictions have been stated for the purpose of emphasizing their importance, but are not intended to be all inclusive or to negate the remainder of the Bylaw.

4.4 This Special Permit shall expire within two years from the filing of this decision with Town Clerk if a substantial use thereof has not commenced sooner, except for good cause. A request to extend said time limit must be made in writing to the Board at least 30 days prior to said expiration date, and the Board herewith reserves its rights and powers to grant or deny such extension, and to require any appropriate changes to the Special Permit.

4.5 The Board hereby reserves its right and power to modify or amend the terms and conditions of this Special Permit, with or without a public hearing, upon the application of the owner, lessee or mortgagee of the premises or upon its own motion.

5. APPEALS

Appeals, if any, shall be made pursuant to Section 17 of the Massachusetts General Laws, Chapter 40A, and shall be filed within 20 days after the date of filing this decision with the Town Clerk.

Witness our hands this November 24, 1992.

Gregory E. Niemyski
Gregory E. Niemyski, Chairman

James Lee
James Lee

Douglas Carnahan
Douglas Carnahan

John Eavan
John Eavan

David L. Hill, Vice Chairman

Mary L. Giorgio
Mary L. Giorgio

William H. Shupert, III
William H. Shupert, III

This is to certify that the 20-day appeal period on this decision has passed and there have been no appeals made to this office.

Cornelia Huber, Town Clerk

Date

Copies sent to:
Applicant - Certified Mail #
Health Director
Municipal Properties
Conservation Administrator
Fire Chief

Building Commissioner
Engineering Administrator
Town Clerk
Town Manager
Historical Commission

[DMJ*347]



cc: BOS

PLANNING BOARD • Town of Acton

472 MAIN STREET ACTON, MASSACHUSETTS 01720 TELEPHONE (508) 264-9636

RECEIVED & FILED

ACTON PLANNING BOARD

DATE Nov. 24, 1992

Minutes of Meeting

October 19, 1992

Catherine Belkin
Act. TOWN CLERK, ACTON

Planning Board members in attendance were Gregory Niemyski, David Hill, James Lee, William Shupert, Mary Giorgio and Douglas Carnahan. John Pavan was absent. Assistant Town Planner Donna Jacobs was also in attendance.

I Consent Agenda

The minutes of the September 21, 1992 Board meeting were called off the Consent Agenda for a minor correction. David Hill moved that the Board vote to approve the minutes as amended. His motion was seconded by James Lee and approved by unanimous vote.

II. Discussion - M.P.C.C.'s "Responsibility Matrix"

The Board agreed to postpone discussion of this item and agreed to schedule this item in the first agenda slot at the next Planning Board meeting.

Greg Niemyski reminded Board members to submit a prioritized list of action items to Staff in preparation for the next Board meeting.

III Public Hearing, Kamen's Common Drive Special Permit

Greg Niemyski opened the public hearing by reading the legal notice as published in the Beacon. An attendance sheet was circulated for the record of the hearing.

Attorney Alex Parra presented the application to the Board on behalf of the Kamens. Attorney Parra reviewed the layout of the existing common drive and stated that it meets most of the present requirements with the exception of the turnaround requirement.

Attorney Parra said that he has reviewed the draft decision and has the following comments:

Sight distance - the applicant believes the sight distance is adequate and therefore no brush cutting or tree removal is needed;

Occupancy Permit restriction - the house will not be completed until

January, after the asphalt plants close. The Kamens want to occupy prior to final paving and suggest that the Board allow the issuance of a temporary occupancy permit until Spring when the paving can be completed.

The Private Way sign required by the decision is not wanted by the Kamens or the other property owners; and

The requirement for a turnaround should be amended to stipulated that the turnaround, if needed, be located within the Kamen's lot.

In addition to these comments pertaining to the conditions, Attorney Parra made the following comments with respect to the waivers requested:

2.1 - the driveway was constructed 13 years ago, but the wearing surface is only 1 year old;

2.2 - a covenant exists for the other lots served by the common drive. A declaration has been submitted adding the Kamen's lot to that covenant; and

2.3 - the applicant maintains that the application fee should be waived to allow a \$100 fee as requested.

Greg Niemyski asked about the common drive maintenance agreement. Attorney Parra replied that the existing covenant is not in the title chain for the Kamen's lot, but will be added.

James Lee asked whether the common drive required repair or just re-paving last year. Steve Aronson, abutter to the Kamen's lot, replied that repairs including reconstruction of portions of the drive were required in addition to re-paving.

Board members stated that the Kamens could post a bond to cover the cost of the final paving, but would not agree to a temporary occupancy permit without bonding in place.

Greg Niemyski questioned the desire to omit the Private Way sign requirement. Steve Aronson replied that the neighborhood likes it's secluded atmosphere and obscure entrance and didn't want to call attention to the neighborhood by posting a sign at the entrance of the drive.

James Lee commented that the entrance is so obscure that he missed it when driving by to perform a site inspection.

Greg Niemyski suggested that the Board needs a definitive answer on the sight distance/brush cutting issue before rendering its decision. Mr. Niemyski expressed his opinion that the construction of the common drive extension should comply with the present requirements.

Isabella Choate, abutter to the common drive, submitted a letter to the Board and expressed concern over the possibility of extensive brush cutting and alteration of the existing drainage pattern.

Attorney Parra stated that house constructed has begun and the Kamens would like a timely decision from the Board.

David Hill moved that the Board vote to close the public hearing. His motion was seconded by James Lee and passed by unanimous vote.

Board members discussed the application and information received during the public hearing. The Board asked to be provided with a definitive answer on the sight distance issue so that a vote can be taken at the next Board meeting. Board members discussed the Private Way sign and felt that the sign is needed for public safety reasons. In addition, Board members discussed the applicant's request for waiver of construction standards. The Board concluded that it would require the extension of the drive to comply with the present requirements. The Board also discussed the request for waiver of the filing fee from \$1100 to \$100. Donna Jacobs reported that staff has tracked the costs incurred by this application to re-substantiate the fee structure for these permits. The actual cost of processing this application is slightly more than the required fee of \$1,100.00 (\$1,114.00).

IV Public Hearing, Kennedy Estates - Common Drive, Modification of Subdivision and Public Shade Tree Removal

Greg Niemyski opened the public hearing by reading the legal notice as published in the Beacon. An attendance sheet was circulated to record the attendance at the hearing.

The applicant's engineer, Bruce Stamski of Stamski & McNary, presented the application to the Board.

David Hill asked how far down Arlington Street, towards Charter Road, will the sidewalk extend. Bruce Stamski indicated the area on the plan and stated the distance is approximately 100'.

Mr. Johnson of 130 Arlington Street questioned why trees needed to be removed. Tom Tidman, Conservation Administrator, explained that Town staff has had input into the design being presented by the applicant. Staff has investigated the site to develop a plan which would require as little impact to the wetland areas and remove as few trees as possible.

Mr. Johnson asked whether the trees to be removed are all located within the right-of-way and not on private property. He also asked whether any trees not posted would be removed. Tom Tidman responded that only those trees that are posted will be removed and that all of those trees are within the public right-of-way.

James Lee inquired whether the Conservation Commission will have any problems with the plan as proposed. Tom Tidman advised the Board that the Conservation Commission has not formally reviewed the plan yet because a Notice of Intent filing has not been made. Mr. Tidman stated that the proposal involves filling approximately 700 sq.ft. of wetlands. However, the Conservation Commission has adopted a policy to allow minimal wetlands alterations for the purpose of protecting public safety through sidewalk construction.

Doris Malcolm, abutter to the development, questioned whether the driveway originally designed to provide access to 10 and 108 Arlington Street will still be constructed. Mr. Stamski informed her that the driveway originally approved would not be constructed if the Planning Board grants the Common Drive Special Permit.

The Board asked whether the applicant has concerns with the Engineering Department's comment that cross culverts may be needed. The applicant responded that they would work with the Engineering Department during the grading process.

David Hill moved that the Board vote to close the public hearing. His motion was seconded by James Lee and passed by unanimous vote.

The Board discussed the draft decisions. David Hill moved that the Board vote to issue the decisions as drafted. His motion was seconded by James Lee and was approved by unanimous vote.

V. Appointment - Peter Conant, Affordable Housing Development proposed on Wallie land in N. Acton

Peter Conant of CMA Architects met with the Board to discuss his plans to develop the Wallie property in North Acton under the Zoning Bylaw provision for a Major Affordable Housing Development. Mr. Conant is proposing construction of 45 single family detached dwelling units including 18 affordable units to be priced in a range from \$90,000 to \$113,000. He proposes to build the road to Town standards and to bring it forward for acceptance by the Town. Mr. Conant explained that he intends to modify the present lot configuration to prove that the lots will comply with the restrictions imposed by the Groundwater Protection District bylaw through the use of common leaching areas. It is his hope to confirm the 1989 Pine & Swallow report which states that the site doesn't contribute to the groundwater in Zone 2.

VI. Update - Village Planning

David Hill reported that the South Acton committee hopes to complete compilation of the resident surveys in the near future. The SAVPC will be developing a list of goals and objectives at their next meeting.

William Shupert reported that the West Acton committee is in the process of reviewing the Zoning Bylaw and has identified areas where revisions are likely. The WAVPC plans to do a mailing to the residents of the planning area updating them on the survey results. The group has tentatively scheduled another public informational meeting for January.

VII. Reeves, Extension of Common Drive Special Permit & Modification of Hammerhead Special Permit

Board members reviewed the draft decision prepared by staff and discussed whether there is a need for modifying the hammerhead lot special permit in

light of the zoning amendment which eliminated the special permit requirement. The Board voted to issue the decision as written.

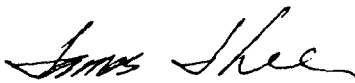
Other Business

Farm Hill Subdivision - Litigation

David Hill moved that the Board enter into Executive Session for the purpose of discussing the pending litigation on the Farm Hill Subdivision decision, and that the Board reconvene in open session upon conclusion of the executive session. His motion was seconded by William Shupert and was passed by a unanimous roll call vote. The Executive Session commenced at 7:45 and ended at 7:55 PM.

The Board meeting was adjourned at 9:40 PM.

Respectfully submitted,



James Lee, Clerk

Town of Acton

Planning Department

472 Main Street Acton, Massachusetts 01720

(508) 264-9636

November 23, 1992

cc: BOS

Mr. Daniel Fortier
MAPC
60 Temple Place
Boston, MA 02111

REGARDING: Functional Classification of Acton Roads - Review.

Dear Dan:

The Town of Acton has reviewed the map showing the functional classification of roads and wishes to recommend the following changes:

1. Change Willow St., Central St. and Concord Rd. from Urban Minor Arterial to Urban Collector (See attached "Functional Classification of Roadways", Acton Master Plan).
2. Change Sudbury Rd., Wetherbee St., Adams St. and Prospect St. from Local Street to Urban Collector (See attached "Functional Classification of Roadways", Acton Master Plan).
3. Change Carlisle Rd., Strawberry Hill Road (east of Pope Rd.), Nagog Hill Rd. (west of Rt.27) from Local Street to Urban Collector (Neither your nor our functional classification system shows these as collectors, however they do connect to adjacent towns and thereby fulfill a regional function. Therefore they should be made eligible for Chapter 90 reimbursement and or other funding programs).
4. Change Hosmer Street (segment east of Rt.27) from Urban Collector to Local Street (See attached "Functional Classification of Roadways", Acton Master Plan).

Please accept my apologies for our belated response. For the future I recommend that, if you solicit response and/or input from the Chief Elected Official(s), you allow at least 6 weeks turn-around time. It simply takes this amount of time to have staff review the matter, to place it onto a Selectmen's meeting agenda with any recommendations, and then to respond back to you. Remember that our chief elected officials, like in most Towns, are citizen volunteers. They normally meet once every two weeks and their agenda is always filled up far ahead of time.

Sincerely,


Roland Bartl
Town Planner

Attachments

cc: Don P. Johnson

[RHB.let.92*10]

MINUTES OF THE MAGIC/ROUTE 2 CORRIDOR ADVISORY COMMITTEE
NOVEMBER 17, 1992

The meeting of the Route 2 Corridor Citizens Advisory Committee was held Tuesday, November 17, 1992 at the Massachusetts Highway Department (MHD) District 4 Office at 519 Appleton Street in Arlington. The following were in attendance:

Bill Steffens, MHD, Director Highway & Capital Planning
Daniel Beagan, MHD, Director BTP&D
Peter Kutrubes, MHD, Traffic
Hari Vohra, MHD, Traffic
Kojo Fordjour, MHD, Project Development
Efi Pagitsas, CTPS
Jack Wood, MHD, District 4 Planning
Haig Merguerian, District 4 Projects
Harriet Todd, Selectman, Town of Lincoln
Dilla Tingley, Planning Board, Town of Lincoln
Ann Fanton, Selectman, Town of Acton
Judy Walpole, Selectman, Town of Concord

The meeting began with a discussion regarding the current traffic problems at the Route 2 Concord Rotary. The point was made that any possible solution must meet the Manual on Uniform Traffic Control Devices (MUTCD) standards. Bill Steffens said that the Department should have a report on possible short term solutions in about 2 months. Efi Pagitsas will provide traffic counts to Hari Vohra for the study. While the Town of Acton's major concern is traffic congestion, the Town of Concord's first priority is traffic safety.

Bill Steffens introduced Dan Beagan as the new Director of the Bureau of Transportation Planning and Development (BTP&D). Since Bill has replaced Tom McLoughlin as the Director of Highway & Capital Planning, Dan will act as chairman of the committee.

Efi Pagitsas said that the CTPS 1990 Hanscom Model has been calibrated for 1992 conditions for Crosby Corner. The model will be used to predict traffic volumes link by link for the 1998 and 2020 build year horizons. The plan is to have the model calibrated before the design consultant comes on board for the Crosby Corner Improvement Project. Bill requested that the Traffic Flow Maps be shown at the next meeting.

Peter Kutrubes gave an update of the Crosby Corner Signal Update Project. The project which initially was estimated to cost \$ 250,000 will include resurfacing for the approaches and will cost approximately \$ 500,000. Some of the features will include landscaping along the MHD Maintenance Depot property frontage and traffic signal advance warning signs will be installed along the westbound roadway before the crest of the hill. The advertising date has been set for Dec. 16 and bids are

Not quite
we
didn't
discuss
one of
the
others

expected to be opened 4 weeks later. Construction should begin in the spring of 1993 between March 15 and April 1st with completion expected by November of 1993. The merge between Route 2 eastbound traffic and departing traffic from the Cambridge Turnpike was discussed. Peter said that the design has been changed to include a lengthened merge lane with Cambridge Turnpike traffic having to yield to Route 2 traffic.

Anne Fanton asked if the Department could provide the communities with information regarding next season's upcoming construction schedule so that motorists can be informed. Bill said the Department prepares a statewide map with project information by community. Besides the Crosby Corner Signal Update project, the only other work planned within the Rte. 2 CAC limits will be the five location signal update project which is in Concord expected to cause only minimal disruptions to traffic.

It was asked if the Department has any plans for improvements at the intersection at Route 2A/Brooks Road in Lincoln. Bill said he would find out if there's a proposed project.

Kojo Fordjour gave an update on the consultant selection process for the Crosby Corner Improvement project. He handed out ^{Long-term} copies of the Scope of Work to representatives from each community. Tomorrow (Nov. 18) there will be a briefing session for the forty consultants interested in submitting proposals. At the end of the month, proposals will be reviewed and the top three consultants will be called in for interviews. A selection will be made after the 1st of next year followed by a 6 month negotiation process. It is hoped that a Notice to Proceed will occur by July 1st (very optimistic). The Department has a preferred alternative but it is necessary to look at environmental constraints as well as costs. The limits of the project will begin past the Bedford Road project and end just before the Route 126 intersection. The preferred alternative calls for a six lane cross at the proposed Crosby Corner interchange then transitioning back to four lanes along Route 2. Improvements at the Route 126 intersection will be done as a separate project.

The date for the next meeting was set for Thursday, February 25 at 8:00 a.m. The agenda will include updates on: the Crosby Corner (short range) project bid award, the Crosby Corner (long range) project recommended consultant selection, the Traffic Flow maps for existing and future conditions, the status of the Route 2A/Brooks Road intersection, and the Rotary (short range) project ^{recommendations (if any)}

CC Planning - John Pavan) 11/25



ASSOCIATION OF THE UNITED STATES ARMY

MINUTEMEN CHAPTER

P.O. Box 238

Ayer, Massachusetts 01432



18 November 1992

NOV 23 1992

Chairman, Board of Selectmen
Acton, MA 01720

Dear Mr. Chairman,

Once again, the Minuteman Chapter of the Association of the United States Army (AUSA) will be hosting our annual Pearl Harbor Day Dinner. The Department of Defense World War II Commemorative Program Committee has requested Chapters design events to thank and honor the veterans of World War II and to develop activities that provide greater understanding of the lessons, technological contributions and history of World War II.

The Pearl Harbor Day dinner will be held December 7, 1992 at 6:00 PM at the Officer's Club, Ft. Devens, Mass. A special program will commemorate the 50th Anniversary of World War II by honoring the contributions that Ft. Devens made. Our guest speaker will be Mr. Herbert S. Hoffman, Civilian Aide to the Secretary of the Army - First Army Area. The enclosed flyer outlines the evenings events.

We hope you will be able to join us at Ft. Devens on the 7th of December.

Sincerely,

A handwritten signature in black ink, appearing to read "Norm Harkins", is written over the word "Sincerely,".

Norm Harkins
Vice President, Programs

Association of the United States Army Minutemen Chapter



Pearl Harbor Day Dinner Commemorating the 50th Anniversary of World War II



Honoring Ft. Devens Contribution
to World War II

Monday, December 7, 1992

6:00 PM Reception

7:00 PM Dinner

Ft. Devens Officers Club
Ayer, Massachusetts

Fill out Reservation Form Below and Mail Today

Mail to: AUSA
P.O. Box 383
Bedford, MA 01730

AUSA Minutemen Chapter Pearl Harbor Day Dinner
World War II 50th Anniversary Commemoration
Monday, December 7, 1992

For further information call
Susan Curran at (617) 274-2535

Please reserve _____ Tickets at \$20.00 ea
or _____ Sponsor's Table of 10 at \$200.00

RSVP by November 30, 1992

(Sponsor's Table of 10 - 6 Seats with
4 Seats for Military Guests.)

Attire: Military - Army Blues w/ Bow Tie
Civilian - Business Suit

Enclosed is my check for \$ _____

Program will recognize distinguished
persons of the year

Make checks payable to
AUSA Minutemen Chapter

Name _____

Address _____

Telephone No. _____

MAGIC

Acton
Boxborough
Carlisle
Concord
Hudson



Littleton
Marlborough
Maynard
Stow
Sudbury

MINUTEMAN ADVISORY GROUP
ON INTERLOCAL COORDINATION

A Subregion of Metropolitan Area Planning Council

Minuteman Advisory Group on Interlocal Coordination

60 Temple Place, Boston, MA 02111 617 / 451-2770

Don, Bos

MEETING NOTES

(For list of participants, see attached.)

October 8, 1992

Fort Devens Forum: Debriefing & Next Steps

MAGIC members discussed their reactions to the October 1 Forum. People were generally pleased with the attendance, which approached 100-125, and with the information and presentations. Many questions remain, however, about the planning and decision-making process, especially the degree to which it is coordinated, open, and comprehensive.

Given MAGIC's role to date, the group felt it is important to take steps to participate further. Suggestions included: seek a meeting with federal and state legislators to discuss concerns about Devens and enlist their help in working toward a reuse plan that is best for the region; seek grants to study the road capacity and how it would be affected by a major airport at Devens; and seek funding for part-time staff to represent MAGIC in the reuse process.

As a beginning, MAGIC agreed to pursue the meeting with legislators. Dick Downey will prepare a letter inviting congressmen and legislators to the December 10 MAGIC meeting which will be held in Maynard.

Updates and Briefings

Donna Jacobs reported on the subregional chairs meeting. She described how the Metropolitan Planning Organization (MPO) works and discussed the possibility of MAPC's subregions proposing changes in the MPO structure to increase local input into decisions on transportation expenditures. One possibility would be for each subregion to appoint a representative. The MPO discussion will continue in December, when MAGIC will plan its presentation at the February MAPC Council meeting.

Anne Fanton reported on the September 17 Rt. 2 CAC meeting.

John Pavan updated the group on the DRI process. MAGIC still needs to get written confirmation and a contact name from Hudson and Maynard and has to schedule presentations in Lincoln and Bolton.

Support for MAGIC

Communities reported on their progress in seeking local contributions to MAGIC. Judy Cope said that MetroWest uses a formula to determine each

community's contribution. The formula considers such factors as population and use of the regional review process. Participants agreed that an accounting of benefits and an allocation formula would be helpful. Judith Alland will collect existing materials for next month. Dick Downey noted that Maynard and neighboring towns have been awarded a MIG grant for joint services, inspired, at least in part, by MAPC's efforts.

Housing Survey

Judith Alland will compile the survey results when the remaining forms have been returned. Several communities omitted the added question on whether they would participate in an informational exchange. This is important to future planning.

Revisions to MAGIC By-laws and MOA

Dick Downey and John Pavan presented their report on proposed revisions to MAGIC's organizational documents. (The review resulted from the discovery that many of MAGIC's practices do not conform to its official rules.) Recommendations and discussion issues follow:

1. Give each town two votes as an incentive to increase participation.

If only one town rep attends, does s/he get one or two votes? Most people thought one rep = one vote. Should the by-laws provide for voting alternates if regular reps can't attend?
2. Change the quorum to one-third of the towns. Agreed.
3. Change the voting requirement to a majority of members present. Agreed.
4. By-law Art. IV, Sec. 3, last sentence: delete "non-voting."
5. Art. VI: Committee members need not be from three different communities but may not all be from the same town.
6. Art. VII, Sec. 2: Change to two-thirds of those present.

Dick and John will send proposed language to Judy before November 1 for inclusion in the November MAGIC mailing.

Next Meeting

The next meeting will take place in Acton on November 12, 1992.

MAGIC ATTENDANCE

DATE: October 8, 1992

NAME	ADDRESS (Please print legibly)	AFFILIATION & PHONE
John Pavan	235 Brown Bear Crossing Acton, MA	Planning Board (508) 264-4370
Paul E. Smith, Jr.	189 Whitcomb Avenue Littleton, MA	Designated as the Selectmen's Representative (508) 486-4592
Dick Downey	21 Howard Road Maynard, MA	Selectmen (508) 897-8871
Carmine Gentile	33 Surrey Lane Sudbury, MA	Planning Board 820-777, 443-9898
Anne Fanton	43 Fort Pond Road Acton, MA	Selectmen 263-4989
Donna Jacobs	456 Gleasondale Road Stow, MA	Planning Board 562-6725
Judy Cope	80 Plmpton Road Sudbury, MA 01776	443-6375
Hasty Evans	Room 443 State House	State Representative 722-2460
Wanda Milik	143 Martin Street Carlisle, MA 01741	Selectman (508) 371-0102
Judith Alland	MAPC	451-2770

(housing/attend)

cc: BOS

Meeting of the
Fort Devens Redevelopment Citizens Advisory Committee

Date: November 5, 1992

Location: Fort Devens Reuse Community Resource Center
Fort Devens, Massachusetts

Attendance:

Present

Eric Knapp
Brett Doney
Richard DeBoalt
Tom Abdella (for John Sullivan)
Reverend Philip Goff
William R. Thurston
Bill Farnsworth
Donna Jacobs
Laila Michaud
Steven Boudreau
William Redfield
Richard Hatch
Donald MacIver
Carolyn Sellars
Nancy Reed
Charles Mason
E. Heidi Rodis
Michael Lanava
William Marshall
James Coull
James Hashem
Paul Linet
David Shepardson
Harvard Isakson
Ned Murray

DRAFT

Others

Massachusetts Government Land Bank: Wendy Wissler, Administrative Assistant
Representative of Mayor Jeffrey Bean of Fitchburg: Joyce Huff
Acton Fort Devens Task Force: Marilyn M. Wolfson
Business Executives for National Security (with Bill Thurston): Keith Cunningham
Alternate MAGIC member: Paul Smith
Times Free Press: Chris Dudley

MINUTES

DRAFT

Mr. David Shepardson called the meeting to order at 7:20 p.m. He asked that each member introduce themselves. Mr. Shepardson stressed the importance of getting to know each other because of the need to pick a chairperson.

Information that was requested at the last meeting was then distributed to the members. Mr. Eric Knapp apologized for not mailing the minutes to the committee members prior to the meeting. He also stated that any questions or comments on the October 22 minutes should be brought up at the next meeting.

Mr. Shepardson asked Mr. Knapp to explain the preliminary master planning maps which had been requested at the previous meeting. Mr. Knapp explained that the maps were a "work in progress", and would be looked into with great detail at the next Fort Devens Redevelopment Board Meeting. Mr. Knapp invited the committee to attend the Redevelopment Board Meeting on Tuesday, November 17, 1992 at 7:00 p.m.

Mr. Knapp explained that the maps showed two major planning schemes with the main difference being the location of the prison complex. In one map the prison complex is located at the North Post and on the other map it is located on the Main Post. Mr. Knapp explained that the maps included all uses known to date including: 1) the prison complex, 2) the request by the U.S. Fish & Wildlife Service for expansion of the Oxbow Wildlife Refuge, 4) the proposed intermodal facility, 4) McKinney Act requests for the homeless, and 5) areas that the Army has decided to retain (with the exception of the Ammunition Supply Point which the Army will relocate). Mr. Knapp pointed out the areas of high and low environmental sensitivity and high and low development suitability. Mr. Knapp mentioned that the Commonwealth's Department of Environmental Protection has stated that the base's current wastewater facility does not meet state standards. Mr. Knapp said that the Land Bank is in the process of hiring a consultant to study the options for bringing the wastewater facility into compliance..

Comments were made questioning labeling the area west of the wastewater facility on the North Post as highly environmentally sensitive. Mr. Knapp replied that he felt the maps reflected the judgment of the Land Bank engineers and that the Land Bank would be happy to hear comments from the CAC.

Mr. Brett Doney asked about public involvement in the master planning process. Mr. Knapp answered that the Land Bank would be undertaking a formal public planning process in 1993. Mr. Knapp said that the schedule of events in the process was still being worked out and that it would provide many opportunities for public participation. The schedule should be available at the next CAC meeting, according to Mr. Knapp.

Members of the committee asked if the CAC could obtain hand-out size copies of the master planning maps. Mr. Knapp replied that he would look into bringing some to the next

DRAFT

meeting. There was a discussion of various aspects of the master plan, particularly the alternatives for location of the prison complex.

Mr. Shepardson stated that the CAC is involved in a dual process. One function is working with the redevelopment board and other organizations in reviewing the environmental impact of specific proposals and projects. The other function is evaluating how the overall plan for reuse is going to impact the environment. Mr. Shepardson stated that the master plan is important but the CAC was created to deal with environmental issues. He added that the CAC would be kept informed of changes to the master plan. Mr. Shepardson stated that he thought it was premature to need the master plan at this stage, and that the CAC should be concentrating on the preliminary scope. Mr. Shepardson asked to close the discussion of the master plan.

Ms. Nancy Reed then suggested that the CAC take a tour of the base. Mr. Shepardson asked how many members would like a tour of the base. Almost the entire committee was interested. It was decided that two tours would be given:

- 1) Saturday, November 14, at 10:00 a.m.
- 2) Thursday, November 19, at 2:00 p.m. prior to the CAC meeting

Everyone stated that they could make one of these times.

Mr. Shepardson asked to review the preliminary scope item by item. He said that the CAC needed: 1) to gather information on the existing environment; 2) to obtain a good description of the project, 3) to evaluate the environmental impact of the planned reuse; 4) to identify ways to avoid or mitigate negative environmental impacts and under what circumstances they would be required.

A committee member asked if the CAC is allowed to make changes to the preliminary scope. Mr. Shepardson answered affirmatively. He further stated that the CAC is a body that is formed to make comments and suggestions to the Secretary of Environmental Affairs.

Mr. Shepardson asked if there were any comments on the preliminary scope. Mr. Brett Doney and Ms. Heidi Rodis asked if the CAC could comment on the first page. Both members questioned the use of the term "surplus" in the second paragraph. There was a discussion of whether the land was being "surplussed" and/or "excessed". It was asked that the words "to the Commonwealth" on the last line of the second paragraph be deleted. Ms. Rodis stated that she would like to substitute the language "commit to avoiding, minimizing, and mitigating" potential impacts in the sixth line of the third paragraph. Mr. Shepardson expressed a willingness to consider these changes, but indicated that CAC should be concentrating on the scope, rather than the language of the Secretary's decision to require an Environmental Impact Statement.

Reverend Philip Goff suggested that the CAC neither accept nor write a document with acronyms. Mr. MacIver suggested that a glossary be attached to documents defining the acronyms. Ms. Rodis suggested that the first time an acronym is used, the full wording should be spelled out, with the acronym following in parenthesis. Mr. Shepardson noted Reverend Goff's request.

Ms. Nancy Reed asked about the significance of segmentation as it related to the major and complicated procedure for Fort Devens. Mr. Shepardson replied that segmentation referred to breaking a project into smaller pieces in a manner which was misleading as to its overall scope. He said that the major and complicated procedure for Fort Devens was designed to provide a mechanism for dealing with individual projects, where the context of a larger reuse plan had been explicitly acknowledged. Ms. Reed asked if that was good planning practice and if the CAC should, instead, be looking at the base in its entirety. Mr. Shepardson answered that the CAC would be looking at the overall master plan but this did not preclude it from considering individual projects.

Ms. Reed asked how the CAC's recommendations were going to be communicated to the Secretary. Mr. Shepardson replied that a subcommittee of two or three CAC members might have to get together to write the final report. Mr. Richard DeBoalt asked how the CAC comes to a consensus and who is writing everything down. Mr. Knapp answered that Wendy Wissler, Administrative Assistant for the Land Bank, was taking minutes, and that those minutes would need to be reviewed and approved by the CAC at subsequent meetings. There was a motion that the CAC have an agenda at future meetings. The motion was seconded and passed. There was a motion that a curfew be set at 10:00 p.m. for these meetings. The motion was seconded and passed. Mr. DeBoalt suggested that documents such as the master plan should be somehow numbered to keep track of the revisions. There was general agreement on this point.

Mr. Shepardson asked to move on to the scope.

Section I. Master Plan

Mr. Doney suggested that the master plan should include potential benefits, such as jobs. Mr. Shepardson noted that MEPA, unlike NEPA, does not require consideration of economic and social impacts. Mr. Doney said that alternatives should be considered and reviewed as part of the process. Ms. Rodis suggested that the word "alternative" be placed on the sixth line of Section I in the line: "Quantification of alternative potential use of each of these areas..." Ms. Sellars concurred. Mr. Shepardson stated that the reuse plan and the review process should be flexible enough to take into account the changes which are certain to occur in a project of this size and duration.

Section II. Existing Environment

Ms. Sellars suggested that the off-site as well as the on-site environment should be considered. Another committee member recommended that zoning districts be shown in maps of the site. It was stated that the evaluation of environmental impacts should consider all of Fort Devens and the surrounding areas. A consensus was reached in agreement to this proposal. Ms. Rodis suggested that information on historic uses should be included.

Section II. A. Sewer Systems

A committee member suggested that any existing pretreatment of wastewater should be described. It was also suggested that any on-site sewage disposal systems should be described.

A committee member suggested that there should be a separate section for storm sewers.

Mr. William Thurston presented the CAC with a document of comments on the scope. It was decided that the members of the CAC would be given these comments to read over and discuss at the next CAC meeting.

Section II. B. Water Supply System

Mr. Doney suggested that this section also consider aquifers. Mr. Shepardson stated that this information is found within the resources section. In response to a question, Mr. Shepardson explained the definition of Zone IIs. It was suggested that the following items be considered in the water supply system section:

- *Maintenance procedures
- *Emergency connections to town systems
- *Existing water quality data
- *Water distribution system
- *Adequacy of the water supply system for fire protection

It was stated that fire hydrants should be considered part of the water supply.

Mr. Knapp said that the committee might want to elaborate on the use of the term "describe" in the scope.

Section II. C. Interior Road Network

There was a discussion of which standards should be used to judge the adequacy of the existing road network. No conclusion was reached.

It was suggested that the following items be considered in the interior road network section:

- *Pavement maintenance system
- *Road design and construction
- *Road lighting
- *Traffic signals and controls
- *Current use and capacity of the road network
- *Bridges
- *Sidewalks
- *Any inactive roads in existence

Section II. D. Gates and Connections to State and Interstate Highways

It was suggested that following items be considered in this section:

- *Interchanges with Route 2
- *Geometric and safety problems in existence now

As the 10:00 curfew had been reached, Mr. Shepardson moved to conclude the meeting. A preliminary agenda for the next meeting was agreed upon with guidelines for the time to be devoted to each item. A fourth meeting was scheduled for December 3, 1992 at 7:00 p.m.

The meeting adjourned at 10:15 p.m.

TOWN OF ACTON POLICE DEPARTMENT
INTER-DEPARTMENTAL COMMUNICATION

TO: Don Johnson, T.M.
FROM: Chief Robinson
SUBJ: Sheriff's E911

DATE: November 20, 1992
TIME: 11:20 AM

Sheriff John McGonigle spoke at the Chief's meeting on November 19, 1992 regarding the most recent letter from the County Commissioners concerning their proposal for E911. He said emphatically that he is not interested in the proposal at all, he first heard about the letter last Friday and did not ever discuss it with anyone. He does not have the manpower, expertise, facility or equipment required. He said they are jailers not first responder law enforcement officers, they are not provided training in this regard. He said he has more problems then he can handle now and does ^{not} want this one added.

It is apparent them Commissioner Flaherty has gone out on his own with proposal and does not have any support from the agency he intends to use.

CC: BOS - FYL

NORM LAKE, PLEASE NOTE.



CC: G. ROBINSON - PLEASE HAVE FRANK LOOK INTO THIS
AND ADVISE US.

Commonwealth of Massachusetts
COUNTY OF MIDDLESEX
BOARD OF THE COUNTY COMMISSIONERS

Don
NOV - 9 1992

FRANCIS X. FLAHERTY, ESQ.
CHAIRMAN

494-4110

40 THORNDIKE STREET
EAST CAMBRIDGE, MASSACHUSETTS 02141

November 6, 1992

Mr. Don P. Johnson, Town Manager
472 Main St.
Acton, MA 01720

Dear Mr. Johnson,

I am writing to you as Chairman of the Middlesex County Board of Commissioners to express the County's interest in co-ordinating Regionalized Enhanced 911 service capability for your community. The need to regionalize such a service as 911 in my opinion is the most logical in these tough economic times and the Board feels that the County which already has a regional form of government in operation would be the perfect vehicle to perform this task. The plan already being discussed is to utilize the County Commissioner's Office working in conjunction with the Middlesex County Sheriff's Department to develop a plan that will lead to regionalize enhanced 911.

The Board strongly feels and has a continued commitment to regionalize as many services as possible to save the communities of Middlesex County money and resources. As you already are aware the County embarked on a Regional Purchasing System in the Spring of 1992. The program allows cities and towns in Middlesex County to avail themselves of tremendous savings through the power of volume purchasing. The County already has contracts in place that are being utilized by several communities throughout the County. It is this same commitment to save your community money that we plan to bring to the proposal for enhanced 911 service. The combination of providing a tremendous public safety need along with saving money to the communities in these tough economic times is the driving force behind our commitment to such a project and we hope we can work with officials in your community to bring this project to a reality.

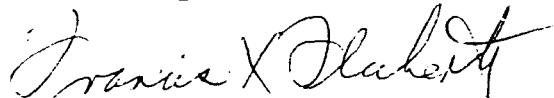
The Middlesex County Sheriff's Department has expressed interest in providing the valuable resources that will be needed to put such a program in place. I feel that the Sheriff's Department already an arm of the public safety community could be utilized to oversee the tremendous responsibility of supervising an enhanced 911 system. The Sheriff's Department employees are a highly trained,

November 6, 1992
Page 2

organized and established law enforcement entity. It is our hope that working in conjunction with the Sheriff's Department and your community we can have the enhanced 911 program in place to ensure the much needed public safety in your community.

The enhanced 911 program is one that I am personally committed to and bringing on line in the very near future. In the coming weeks my office plans to co-ordinate a meeting between the Sheriff's Department and the interested cities and towns. So please contact my office directly at (617) 494-4110 in order to take part in this project.

Sincerely,



Francis X. Flaherty, Esq.
Chairman
Middlesex County Commissioners

3:30 PM - I called on 11/13/92 and spoke to the secretary. She seemed surprised that I was interested and will have Mr. Flaherty call me back. (PA)

TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (508) 264-9612
Fax (508) 264-9630

Don P. Johnson
Town Manager

November 12, 1992

Mr. Aaron C. von Staats
Palmer & Dodge
One Beacon Street
Boston, MA 02108

Subject: NESWC Refunding

Dear Mr. von Staats:

On Tuesday, November 10, 1992, the Acton Board of Selectmen considered your letter (dated November 3, 1992) and the recommended votes contained in your letter that were proposed to be taken in the subject regard.

After due deliberation, the Board voted as follows:

#1. Voted as proposed:

"That the Town hereby authorizes the substitution of Wheelabrator Technologies, Inc. ("WTI") for Allied-Signal, Inc. as the guarantor of the performance of Massachusetts Refusetech, Inc. ("MRI") under the Solid Waste Disposal Service Agreement between the Town and MRI."

#2. Voted Town Manager as the Board's designee, with modified wording ... delete word "substantially" in 5th line of your paragraph. Wording of vote as follows:

"That upon receipt by the Town of a duly executed guarantee by WTI of the performance of MRI under the Solid Waste Disposal Service Agreement, the Town Manager is hereby authorized to execute and deliver a General Release of Allied-Signal, Inc. from its obligations under its guarantee of the obligations of MRI as aforesaid in the form presented at this meeting, provided that such release shall be

delivered to WTI and Allied-Signal, Inc. only upon the issuance and delivery by the Town of North Andover of its Resource Recovery Revenue Refunding Bonds to refund the outstanding Town of North Andover Resource Recovery Revenue Bonds (Massachusetts REFUSETECH, Inc. Project), dated February 1, 1983."

If you have any questions, please feel free to call me.

Very truly yours,



Don P. Johnson
Town Manager

cc: Board of Selectmen
NESWC Executive Committee,
c/o Robert W. Moroney, PE, Chairman
Ruth Fitch, Palmer & Dodge

DPJ:461

DRAFT

**SELECTMEN'S MEETING
NOVEMBER 10, 1992**

The Board of Selectmen held their regular meeting on Tuesday, November 10, 1992, present were Nancy Tavernier, Dore' Hunter, Norm Lake, Anne Fanton, William Mullin, and Town Manager Johnson

CITIZENS' CONCERNS

None expressed.

PUBLIC HEARINGS AND APPOINTMENTS

**BOSTON EDISON
LOT A HIGH STREET**

NORM LAKE - Moved to approve the hook-up. ANNE FANTON - Second. UNANIMOUS VOTE.

**BOSTON EDISON
LOT D HIGH STREET**

DORE' HUNTER - Moved to approve the hook-up. ANNE FANTON - Second. UNANIMOUS VOTE.

CONSENT CALENDAR

The Board approved the Consent Calendar with number 6 pulled. DORE' HUNTER - Moved to accept with Number 6 held for discussion. ANNE FANTON - Second. UNANIMOUS VOTE.

The Board discussed number 6, fence at 103 Arlington/Charter Road. Anne was concerned about precedent of the fence in the right of way. She felt the fence might impede future sidewalk construction. Anne wanted to make the motion to ensure sufficient room for sidewalk installation at a latter date. Don said we could shoot some grades and will talk to the Engineering Department about this and alternative installation methods such as using larger/higher posts or more grading. Bill asked if it were to be recorded with the deed. Don felt probably not. DORE' HUNTER - Moved to grant permission subject to caveats set forward in the memo. Staff to fix set backs from public way for sidewalk to be installed at later date. NORM LAKE - Second. UNANIMOUS VOTE.

TAX CLASSIFICATION HEARING

The Chairman read the notice of the meeting and explained the process, introduced speakers. The process would be the Board of Assessors would make their presentation, the Selectmen would ask questions and then the public would be invited to comment. Jim Kontanchic spoke about the different opportunities available to the selectmen under the law regarding the various

classifications of land. He went through the prepared handout explaining the various options available such as Residential Splits, commercial splits and Open Space Discounts. Nancy asked about the percent change between the numbers presented by the Assessors and Roy and John. Jim deferred to John as he had prepared the numbers she referred to.

Paul Wexleblat asked for clarification on the shift percentages.

Madelene Rogers - Asked the Board to consider Development of a partnership between residents and commercial. She urged the end to adversary positions. Richard Pansire spoke for the Chamber regarding the programs that the Chamber provides to the citizens of Acton.

William Lawrence, Chamber member outlined the frustration experienced by the split and personal property owners. He felt this is caused the cost of doing business in Acton to be higher and infact these costs could be handed on to the residents. They want to get into a partnership with the Town and hope that the Town won't send a message of anti-business to them by continuing the split rate.

Anne Fanton thanked Mr. Lawrence and the Chamber for their participation on the MPCC. Bill agreed it was a very useful endeavor.

DORE' HUNTER - Moved to take the matter under advisement and to continue to November 17 at 7:35, and to state at that meeting that the vote may be postponed to a Special Meeting on the 24th.
NORM LAKE - Second. UNANIMOUS VOTE.

COMMUTER LOT

Norm outlined his response to the prepared study by Vaness and Nancy's prepared alternative. Nancy further spoke about her review and ultimate proposal to address the commuter lot. She has combined several options. Nancy felt we needed to continue to open it up to all people, but that we didn't have to. She wanted all funds generated to remain on the townside. It was noted the 2/3 of the lot should be retained and reserved for town residents, with a sticker to be issued to use the reserved area. These stickers to be sold from the Police Station at a rate to be determined \$10-25 per year obtainable only with identification and placed in an area on the vehicle to be determined by staff. The remaining 78 spaces will be designated to everyone else via meters of which the money collected will be put into a Parking Meter fund to fund the operation of the lot. It was further noted that no permit or meter deposit would be made for those parking after 12:00 P.M. and before 6:00 A.M. Staff will decide on who and when the meters will be collected. and the money collected will be used to further expand the lot as they are received. She thought the program could be in place by

January 1st. Parking on side streets will have to be addressed. Dore' thought the plan was very well thought out by Nancy. DORE' HUNTER - Moved to adopt Nancy's proposal with staff to bring back pricing info for residential stickers. NORM LAKE - Second. UNANIMOUS VOTE.

SELECTMEN'S CONCERNS

4-WAY STOP PARKER HIGH - Anne asked to discuss the 4-way stop at Parker and High Streets. She was concerned about the recommendation to ask Sweeney to move the sidewalk and trees. She felt that other options should be reviewed before we took such envasive action. She referred to the Master Plan Summary which noted the importance of retaining the character of the Town etc.. rural road areas and arching trees. Residents were concerned about the trade offs that were to be made to obtain safety changes. Anne asked the Board to think about trade-offs before we sent off to landowner for action. She felt the Board should look into the situation that required invasive action. She felt the community expected its review from us. Dore' felt it is a bad intersection, Norm noted it was originally a 4-way stop. He felt that it is a speeding problem on High Street that adds to it. Nancy did not want to see a 4-way because people would not know how to proceed. Anne felt it could be helpful and we should consider one at Willow/Summer Streets also. It was decided to look at other options if the landowner leaves the bushes that impeade sight of motorist, they incur liability. The Board felt that this was an issue that needed more investigation.

SCHOOL STREET/LAWSBROOK - Dore' discussed the intersection and problems associated with it. He felt that the changes were worthwhile changes and a natural configuration as proposed. Anne felt it was long over due. Bill asked about the cost, it is estimated to cost \$3,000. DORE' HUNTER - Moved to approve the change in the intersection as shown on the plan. NORM LAKE - SECOND. UNANIMOUS VOTE.

MARKET STUDY, SOUTH ACTON VILLAGE - They are looking for monies to be taken from the Slattery monies. Don wanted to know whether the Board felt this type of expenditure from those funds were proper. Dore' is reluctant to spend the money on this, to expend \$30,000 to find out business wont' move in, and doesn't see public benefit. Anne said that the project would be very specific as to what type of business would be attracted. She felt that if the South Acton Village wanted this she felt we should consider. Nancy concurred with Anne. Dore' asked if any other community had prepared such a plan, Anne felt assured that Roland had researched the issue. ANNE FANTON - Moved to approve the expenditure of \$2,000-\$3,000 for development of an RFP for market study for South Acton. NANCY TAVERNIER - Second. Motion passed Norm and Dore' NO.

TOWN MANAGER'S CONCERNS

ACTON CENTER TRAFFIC - Don outlined the proposals and Rolands' plea not to expend Master Plan funds. Anne was pleased with Bruce Campbell's proposal but felt we should not go ahead with this until we make the decision to address the Concord Road area. Dore' thought we should be sure to get comment and reaction before we move on it and to pass it on to the Historic District Commission. He wanted to get some reaction before we fund. Anne wanted to get public input. Bill was philosophically opposed to carving up the common and wanted to be sure this is an area we wanted to fix before we began it.

MAPC - The only real issue is do we want any thing different in Federal/State funding. John updated the Board on comments made at the recent State-wide Highway Superintendent's meeting. Staff will review and phone in comments to MAPC.

ANNE FANTON - Moved to go into Executive Session for the purpose of discussing Litigation and Contract Negotiations.
DORE' HUNTER - Second. Roll Call taken all Ayes.

The Board adjourned into Executive at 10:45 P.M.

The Board returned to session 11:00.

NESWC - The Board discussed NESWC Representation and approved Don Johnson as Alternate to John Murray for the purpose of Representing the Town on the Advisory and Executive Committees.

NESWC Grantor Change - The Board discussed the recent request for substitution of Grantor. Dore' was troubled by the word "Substantially" in the text of the proposed vote. The Board decided to remove the word from the proposed vote. **DORE' HUNTER** - Moved that the Town hereby authorizes the substitution of Wheelabrator Technologies, Inc. ("WTI") for Allied-Signal Inc. as the guarantor of the performance of Massachusetts Refusetech, Inc. ("MRI") under the Solid Waste Disposal Service Agreement between the Town and MRI. **ANNE FANTON** - Second. **UNANIMOUS VOTE.**

DORE' HUNTER - Moved that upon receipt by the Town of a duly executed guarantee by WTI of the performance of MRI under the Solid Waste Disposal Service Agreement, the Town Manager is hereby authorized to execute and deliver a General Release of Allied-Signal Inc. from its obligations under its guarantee of the obligations of MRI as aforesaid in the form presented at this meeting, provided that such release shall be delivered to WTI and Allied-Signal, Inc. only upon the issuance and delivery by the Town of North Andover of its Resource Recovery Revenue Refunding Bonds to refund the outstanding Town of North Andover Resource Recovery Revenue Bonds (Massachusetts REFUSETECH, Inc. Project), dated February 1, 1983. (Note the word "substantially" has been

deleted from the motion. NORM LAKE - Second. UNANIMOUS VOTE.

ANNE FANTON Moved to go into Executive Session for the purpose of discussing Litigation and Land purchase. DORE' HUNTER - Second. Roll Call taken all Ayes.

Clerk

Date

Christine Joyce
Recording Secty.
cmjW11-(308)

**EXECUTIVE SESSION
NOVEMBER 10, 1992**

NESWC CHANGE OF GRANTOR

The Board discussed the request to change grantors. Dore' expressed concern that the word substantially was used and recommended that it be deleted from the final vote taken. Don further updated the Board on North Andovers latest requests. It appears that NESWC has an 18 million dollar arbitration settlement with MRI. Francis Hopecroft is working with North Andover as a consultant.

DIDUCA LAND

Don Johnson updated the Board on recent conversations with the DiDuca family. Apparently the family is split between what they want to negotiate. They have spent \$100,000, Lou Levine suggested they talk to the Town. They don't understand what we are asking them to do. Don wanted to get the boards feeling, and he doesn't think we have anything to negotiate, it is in the Planning Board's hands, but wanted to update the Board and get a sense of the Board.

MARSHALL AND WHITTIER LAND

Marshall Land - The attorney for the trust is complaining that the assessment is 1.8 million and they have agreement for 580,000. They can squeeze 8 lots out but the taxes are too high. He alluded to trades with the Town if we give him relief. Don asked that 61A committee look into to see if we can get anything. Anne was not motivated to call the Committee because conservation has not even looked into it. And no one has said it is special or expressed concern to preserve it, probably since its location is at the fringe of town. Dore' felt it would set a terrible precedent to get involved with assessments on property.

Whittier - The house and 3-4 acres are for sale and the balance of the property will go to wildlife in perpetuity. Don wanted to know if the town was interested. The Board was not interested.

Clerk

Date

Christine Joyce
Recording Secty.
cmjW11-(308)

Draft

**SELECTMEN'S MEETING
NOVEMBER 17, 1992**

The Board of Selectmen held their regular meeting on Tuesday, November 17, 1992, present were Nancy Tavernier, Dore' Hunter, Norm Lake, Anne Fanton, William Mullin, and Town Manager Johnson

CITIZENS' CONCERNS

None expressed.

PUBLIC HEARINGS AND APPOINTMENTS

CONTINUED TAX CLASSIFICATION HEARING

Nancy gave an overview of what the Board needed to vote regarding classification. Bill Mullin said he felt there would be a swing vote and read a prepared statement outlining his views and this thought process that lead him to his decision. He has decided that the split should be reduced to 7.50% at this time.

Dore' outlined the process as he recalled it from where classification was first put on line. He felt the split should remain at 10%.

Norm's position was to oppose the split because he felt it is unfair and that it should be addressed through the assessing process and wanted to see a shift back towards 0%.

Anne expressed mixed feelings on the issue. She sees both sides and leans toward Norm's view but sees that zoning was a better vehicle to address this. She supported last year but she felt that since 2/3 of the amount of taxes paid goes to the schools she felt it is a cost burden of the residents and should be addressed toward them. She felt a gradual move downward should be considered.

Nancy spoke in favor of the split remaining at 10%. Acton ranks 18 in the state in the amount of taxes paid. She said if we retain the 10% split it would give residents a break and keep the rate at 2 1/2% for the first time in years. Nancy urged the Board to vote to retain the 10% split.

BILL MULLIN - Moved to retain the Split Rate at 7.50% with a residential factor of 98.072. **ANNE FANTON** - Second. **NANCY TAVERNIER AND DORE HUNTER** - NO - Motion Passes.

HISTORICAL COMMISSION

Anita Dodson, Robert Rhodes and William Klauer were present to represent the Commission. Anita outlined the duties of the Commission. They hear demolition requests, have held them and are trying to preserve homes, barns and old structures

throughout town. They photograph old homes and are working on the historical assets, including bridges and such. Dore' commented them for their hard work and thanked them for the completeness of their files which assisted the Local Historic District in their task of setting up districts.

AUTO DEALERS OF CONCORD CLASS II LICENSE

The New owners along with the General Manager Mr. Cursoe came before the Board and explained that there would be no difference in the current operations and looked forward to working with the community to retain the operation currently operating. Dore' commented that the new unloading are has been successful and noted the past problems in the area have ceased. They said that they have been working on the site plan with Garry Rhodes and that they too were pleased with the outcome. DORE' HUNTER - Moved to approve the application of Auto Dealers of Concord for a Class II license at 77 Hosmer Street. BILL MULLIN - Second. UNANIMOUS VOTE.

ELIOT COMMUNITY SERVICES

Anne Evans and Harry Johnson Acton residents and members of the Board spoke about the functions that Eliot provides. They were concerned about the \$11,000 outstanding invoice. They had performed 6 months of service before the contract was signed and wanted the Town to honor the service. Nancy explained that the contract was to provide services from December 1991 through December 1992. It was unfortunate that they provided the services without a contract during the lapse period but that all the Town had was \$22,000 and the 12 months period would have to be adjusted to reflect that. It appears now that the funding has expired July 1, 1992 and they have continued to provide the service since to the residents from July 1, 1992 to present. They urged the Board to find funding to pay them for the last time they provided services without a contract and to find monies to continue. They asked to be included in the override number.

Don outlined the background of the contract preparation and finalization, Dr. Stern received the contract in August, signed it in the later part of November. He returned it to the Town Offices on December 4th. Don signed it and executed it on December 6, 1991. Nancy explained the Town's position and the lack of funds to continue presently. Dore' thought perhaps we could use end of year funds to pay the balance owed, this may work if we could get around the procurement procedures.

ROCK CONCERT REQUEST

The Board received a request for Entertainment permit for a youth concert to be held at the Exchange hall on November 21st. The Police Department and the Town Manager has reviewed this request and met with the youths and parents of the band and feel

that this is a well organized event and it should not impact the area negatively. The staff recommended that one police detail be used to control activities on the outside of the building, and that the 18 adults be the overseers of the inside activities as outlined in the request. The police were told that if it got to rowdy they could bring in additional police personnel. The Board asked that the neighbors be informed of the concert so that they would know the duration of the event. NORM LAKE - Moved to approve with the conditions prescribed by the Town Manager. DORE' HUNTER - Second. UNANIMOUS VOTE.

CONSENT CALENDAR

The Board approved the Consent Calendar. NORM LAKE - Moved to accept the consent calendar as printed. DORE' HUNTER - Second. UNANIMOUS VOTE. Staff was asked to send Mr. Kelley a letter of appreciation for his donation.

SELECTMEN'S CONCERNS

Local Drug and Alcohol Task Force - Nancy asked if any of the Board Members would be interested in participating on the Task Force to review policies at the School and other issues. She anticipated 3-4 meetings per year. Nancy offered to represent the Board. The Police will send their two youth officers also.

Hearthstone Farm - The Board reviewed the memo from the Planning Board asking for Board input on two issues; common land and possible amendments to the Traffic Rules and Orders making a portion on Strawberry Hill Road one-way. The Board upon reviewing the memo from the Planning Board decided to have a public hearing prior to moving forward on making possible changes to the Traffic Rules and Orders. The Board set the date for December 15, 1992 at 7:45. Anne asked that the notice of the informational meeting be worded to encompass the phrase, improve safety on Strawberry Hill Road and to reduce traffic. Dore' asked to have the notice include the possibility on a one-way action by the Board. The Board asked to have the Planning board invited to this meeting.

Regarding the Common Land issue, Dore' felt it would be a good idea if there were no financial impact. They asked to have a more detail and a Map available at the next meeting, and clarification on whether we are expected to accept all Common Land.

Coordinating Committee - Nancy updated the board on the recent developments at the coordinating Committee. the split issue is at a stalemate with the Finance Committee supporting the Town side.

Don discussed the Finance collection enhancement program. He has very reluctantly decided that due to the staffing problems he anticipates due to staff resignations and retirements he has to withdraw the proposal, it is too big to attempt and fail. Due to the manpower shortfalls he proposes to pull the original plan and add 2 people to finance just to keep heads above water and to adjust the plan, overlay, free cash to accommodate the change. Dore' felt if staff feels we can't succeed, we should not proceed, clearly, the Board should not ask them to go forward. Nancy would accept the Town Managers recommendation to not proceed, but asked it be taken out of the plan and add some town growth to accommodate the two additional positions. Bill was upset that the plan could not go forward, but understood staffs position, and urged them to continue to look at it and to pursue it. He felt to defer it to 1995 would have a terrible impact and said he would support this and any plan that could potentially payback in 17 months.

Commuter Parking Lot - The board discussed the cost of the resident sticker. Anne proposed \$25.00 per year for residents. Nancy wanted the program to begin on January 1st. The Meters however, will not be available until February at the earliest. The Board asked staff to make a recommendation as to when to begin the program. DORE' HUNTER - Moved to set the fee charged for resident commuter lot sticker at \$25.00 per year to commence at a date to be determined by staff. NORM LAKE - Second. UNANIMOUS.

Tobacco Bylaw - Nancy asked to have a staff representative at the November 30th meeting. Norm will attend.

CAC - Anne updated the board on her recent attendance at the CAC meeting. She was held up in traffic and was quite angry when she arrived at the meeting and informed them of the difficulties she had experienced. They told her it was an issue with the contractor. She said they promised to again look at the Concord Rotary. They said that after preliminary evaluation short term solution could not be reached as they can't change the right of way law.

SPRUCE STREET - Norm asked that staff notify the owner of the car wash that the property is causing water to discharge onto the street and since it has turned colder we will be experiencing freezing conditions.

TOWN MANAGER'S CONCERNS

None expressed.

The Board adjourned at 10:45 P.M.

Clerk

Date

Christine Joyce
Recording Secty.
cmjW11-(310)

TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (508) 264-9612
Fax (508) 264-9630

Don P. Johnson
Town Manager

November 16, 1992

Mr. Andrew Bailey
Powers & Hall Professional Corporation
100 Franklin Street
Boston, MA 02110-1586

Dear Mr. Bailey:

The Board of Selectmen is in receipt of your notice of intention to sell a parcel of land located at 42 Carlisle Road, Acton, Massachusetts, the record owners of which are the W.L.M. Trust and M.S.M Trust (the "Owners"). As stated in your notice, the land consists of approximately 6.1787 acres and is described as Lot 4 on a Plan of Land in Acton Massachusetts, dated August 7, 1992, a portion of which plan is attached hereto as Schedule A (said land is hereinafter referred to as "Lot 4"). A portion of Lot 4 is presently classified as Forest Land pursuant to chapter 61 of the Massachusetts General Laws and is thus subject to the Town's first refusal option under G.L. c. 61, s8. This letter will serve as notice that, on September 22, 1992, the Board of Selectmen voted that the Town will not exercise its first refusal rights with respect to Lot 4.

Although the Town has voted not to exercise its first refusal rights with respect to Lot 4, please be advised that, in so voting, the Town has in no way waived its first refusal rights with respect to the balance of the approximately ninety-acre tract, commonly known as the "Marshall Land", of which Lot 4 is a part. In particular, you should be advised that, to the extent that the Contract to Purchase Lot 4 made between the Owners and Amy L. Davis and William W. Ambrose (the "Buyers") purports to grant the Buyers of Lot 4 first refusal rights with respect to additional parcels of the Marshall Land that are presently classified as Forest Land under Chapter 61, the Town does not acquiesce to the provisions of the Contract to Purchase and hereby specifically reaffirms its rights with respect to those additional parcels.

Mr. Bailey
Page 2
November 16, 1992

Additionally, you should also be advised that, in voting not to exercise its first refusal rights with respect to Lot 4, the town has not conceded that where, as is the case in the proposed sale of Lot 4, only a portion of land involved in a proposed sale is classified as Forest Land, it is necessary for the town to match the full offer to purchase in order to exercise its first refusal rights under G.L. c. 61, s8. Rather it is the Town's position that, in such a case, the Town may exercise its first refusal rights by purchasing only that portion of land which is classified as Forest Land and without purchasing any additional land which may be included in the proposed sale. Nevertheless, in the present case, the Town has voted not to exercise its first refusal rights even with respect to that portion of Lot 4 which is classified as Forest Land.

If you should need any further documentation to effectuate the proposed sale, please do not hesitate to contact me.

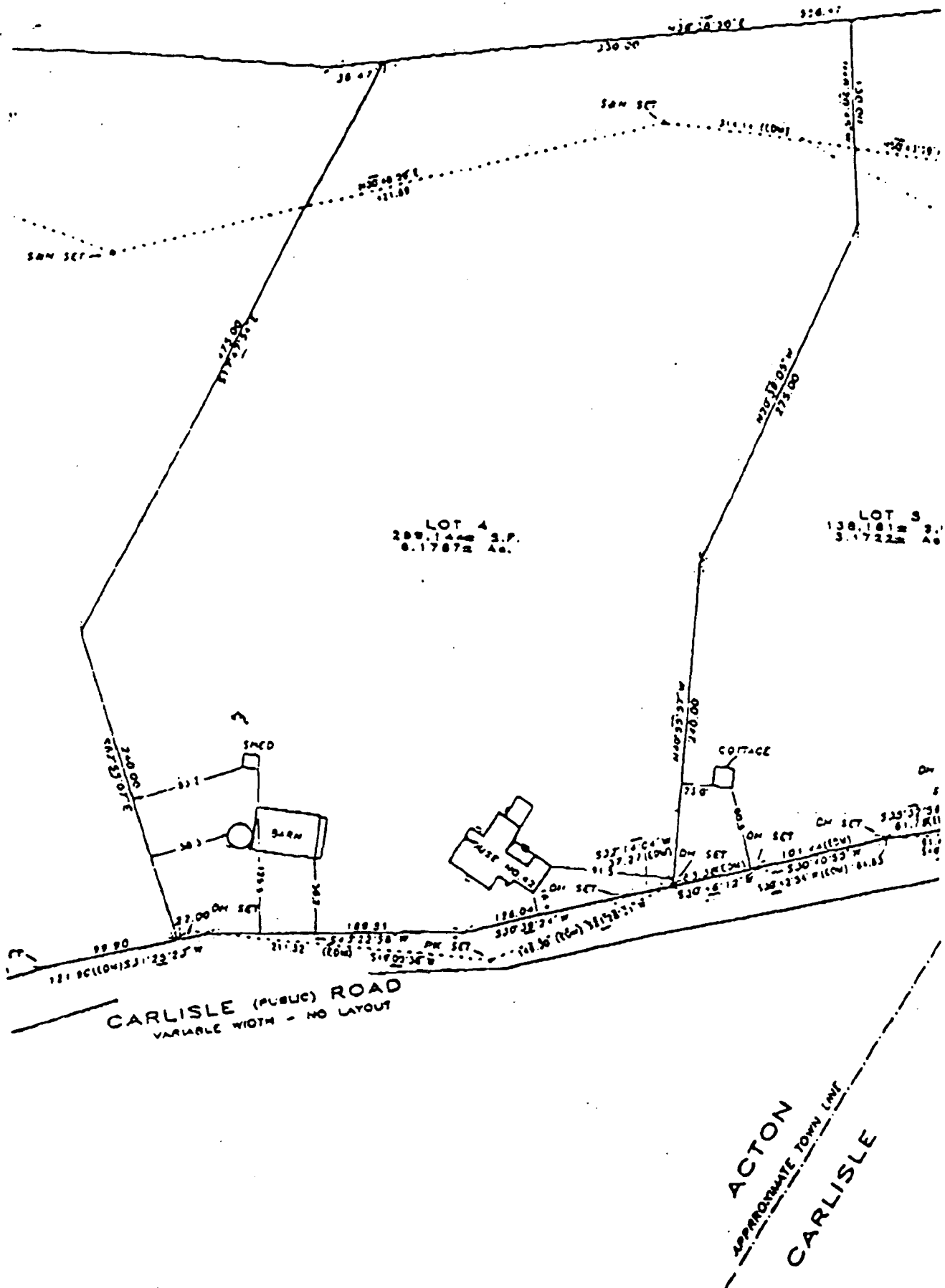
Very truly yours,

A handwritten signature in dark ink, appearing to read "Don P. Johnson", written over the typed name.

Don P. Johnson
Town Manager

cc: Board of Selectmen

SCHEDULE A



**TOWN OF ACTON
NOTICE
TRAFFIC IMPROVEMENTS - STRAWBERRY HILL ROAD**

The Acton Board of Selectmen have scheduled an informational public hearing on December 15, 1992 at 7:45 P.M. in room 204 of the Acton Town Hall for the purpose of discussing possible safety improvements and measures to reduce traffic on Strawberry Hill Road. Options under consideration include possible amendments to the Traffic Rules and Orders to designate the portion of Strawberry Hill Road between Esterbrook and Pope Roads as One-Way. The public is invited to attend and offer input into this discussion.

ACTON BOARD OF SELECTMEN

310-end

INTERDEPARTMENTAL COMMUNICATION

TOWN MANAGER'S OFFICE

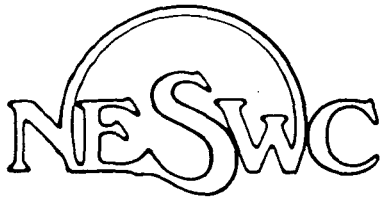
DATE: November 17, 1992

TO: Planning Board

FROM: Board of Selectmen's Office

SUBJECT: Hearthstone Farm Subdivision

The Board of Selectmen discussed your recent memo dated November 2, 1992 regarding Hearthstone Farm Subdivision. After much discussion the Board has decided to schedule an informational public hearing within the Selectmen's meeting of December 15, 1992 at 7:45 P.M. At this time they will hear input from the residents of the area and the Planning Board on proposed safety changes such as possible amendments to the Traffic Rules and Orders to achieve these safety improvements.



cc: BOS - FYI

NOV 23 1992

NORTH EAST SOLID WASTE COMMITTEE

ADVANCE NOTICE

To : Advisory Board Members
Chief Executive Officers

From : Robert W. Moroney, PE
Chairman, Executive Committee

Subject : ADVISORY BOARD MEETING OF DECEMBER 4, 1992

Date : November 20, 1992

An Advisory Board meeting is scheduled for Friday, December 4, 1992 at 9:00 AM at the Community Safety Building, 112 Mystic Street (at the corner of Mystic and Summer Streets), Arlington, MA.

Please make every effort to attend this meeting. The agenda will be sent in a separate mailing.

Police Department

CC: BOS - FYI

**Town Manager
Information**

November 16, 1992

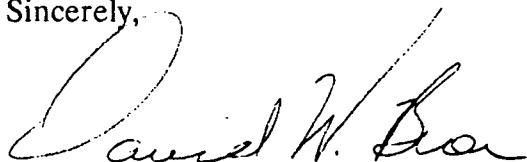
Chief George W. Robinson
Acton Police Department
365 Main Street
Acton, MA 01720

Dear Chief Robinson,

Congratulations for your agency's major accomplishment of becoming internationally accredited with the Commission on Accreditation for Law Enforcement Agencies. Our agency became accredited in 1989, and we respect and commend any agency that puts forth the determination and efforts required to become accredited.

We look forward to working with fellow accredited agencies. Please do not hesitate to call on our agency for assistance should the need arise.

Sincerely,



DAVID W. BROWN
Chief of Police
Tempe Police Department

DWB/JG:rd
L921116



TOWN OF ACTON POLICE DEPARTMENT
INTER-DEPARTMENTAL COMMUNICATION

TO: George W. Robinson C.O.P. DATE: November 23, 1992
FROM: Todd D. Fenniman Y.O. TIME: 11:02 AM
SUBJ: Youth Concert at Exchange Hall 11/21/92

**Town Manager
Information**

On 11/21/92 from 7:30 PM to 10:30 PM a rock concert was held at the Exchange Hall for approximately 250 high school students. The organizers of the event received an entertainment license from the Board of Selectmen and made all arrangements for what turned out to be a most successful evening. One detail officer handled all pedestrian traffic and eighteen parents chaperoned the inside area of the function. No calls or complaints were received from the public relative to noise, parking, etc. One subject was asked to leave the event after causing a small disturbance. During his removal he received a bloody nose from a "bouncer" inside but admitted it was an accident and then left with no further problems or complaints.

Myself and Det. Cogan made frequent checks on the inside of the concert and were well briefed and informed of the events by the parents and students who made the concert possible. We were pleased to have an alternative function for the youth of the community and would not hesitate to recommend similar events in the future. It was a pleasure to be involved in the process of inquiring the necessary permits for the concert and to be consulted in events that concern Acton's youth.

cc: BOS



CC: BOS - FYI. THIS HAS GONE TO THE BEACON
CLEAN WATER ACTION

November 25, 1992

Dear Editors,

As Massachusetts and Boston Directors of Clean Water Action, a national environmental group, we are writing to express our organization's outrage at the treatment one of our valued staff members received while conducting our recent membership drive in Acton. The staff member, who is of African-American background, was chased and threatened with hockey sticks by five to six teenage boys while being taunted with racial slurs. This attack began on Hayward Road as our staffperson was leaving a driveway and the boys had obviously been out looking for him. He was also confronted with racial slurs at the doors of two other Acton homes. We are horrified and surprised and will press charges against the offenders if possible.

As a result of these racist attacks, a dedicated, talented, and gentle person has been deeply hurt and his desire to continue his environmental work jeopardized. A canvasser's job takes much skill and dedication and we depend on their hard work in the community to continue our legislative campaigns in Massachusetts on behalf of recycling, clean water, and a safe environment. Our entire staff and citizen leadership is greatly distressed by this incident. Although our staff do occasionally encounter racism and other derogatory behavior, an incident of this degree has not occurred before to any of our staff members.

We want the people of Acton to make it clear that such racial attacks are condemned by the vast majority of decent citizens in Acton. We request that any information about the chasing incident be brought to light to help us press charges against these individuals. We have spoken to the Acton police and they will be doing an investigation.

Sincerely,

Lee Ketelsen
Lee Ketelsen

Massachusetts Director
Clean Water Action

Dave Engledow
Dave Engledow

Boston Staff Director
Clean Water Action

NATIONAL OFFICE

1320 18th Street, N.W. ■ Washington, DC 20036-1811 ■ 202/457-1286 ■ FAX 202/457-0287

NEW ENGLAND REGIONAL OFFICES

98 Main Street ■ Northampton, MA 01060 ■ 413/584-9830
76 Summer Street ■ 6th Floor ■ Boston, MA 02110 ■ 617/423-4661
400 Smith Street ■ Providence, RI 02908 ■ 401/331-6972

Does Not Require Immediate
reading, but does provide some
general oversight if time allows
Dec 1, 1992

**TOWN OF ANDOVER, MASSACHUSETTS
(RESOURCE RECOVERY REVENUE REFUNDING BONDS
MASSACHUSETTS REFUSETECH, INC. PROJECT)
1992 REFUNDING SERIES**

FINANCING SUMMARY

Background

In 1983, the Town of Andover, acting by and through the North Andover Industrial Development Financing Authority, issued \$160 million of tax-exempt bonds and \$37 million of taxable bonds to finance the costs of a resource recovery facility to be constructed in the Town by Massachusetts REFUSETECH, Inc. ("MRI"), currently an indirect, wholly-owned subsidiary of Wheelabrator Technologies, Inc. The tax-exempt bonds bear interest at 10½% per annum, mature on March 1, 2002-2006 and are first subject to optional redemption prior to maturity on March 1, 1993 at 103% of their face amount. The taxable bonds are currently outstanding in the principal amount of \$34,310,000, bear interest at 14% per annum, mature on March 1, 1993-1998 and are not subject to optional redemption prior to maturity.

While limited obligations of the Town and MRI, the 1983 Bonds are secured by a mortgage on the Facility and by a pledge of Facility Revenues including particularly Service Fees payable by the Contract Communities. Under the respective Service Agreements, each Contract Community is obligated to "put-or-pay" for a guaranteed amount of solid waste for a term essentially co-terminus with the term of the 1983 Bonds. The Service Fee is calculated to provide for all operating and maintenance costs of MRI and all debt service costs on the 1983 Bonds, after credits for shared energy and materials recovery revenues. However, the Service Agreements are essentially "hell or high water" agreements obligating the Contract Communities to pay the Service Fee whether or not service is provided by MRI and regardless of the reason service is interrupted. The obligations of the Contract Communities to pay the Service Fee are general obligations of each municipality.

By virtue of the Service Agreement, debt service cost on the 1983 Bonds is largely a direct cost of the Contract Communities. Accordingly, any reduction in debt service cost is passed on in full to the Contract Communities. The opportunity currently presented to refund the 1983 Bonds represents the most important single undertaking by the Contract Communities that will significantly reduce the level of their Service Fees payable to MRI over the remaining term of the Service Agreements.

The Refunding Bonds

Under current market conditions, tax-exempt bonds in the amount of approximately \$149 million will be required to refund the \$160 million outstanding 1983 tax-exempt bonds. The reduced amount of tax-exempt refunding bonds is due to the application to the refunding of approximately \$11 million of unspent 1983 Bond proceeds and approximately \$8 million

released from the 1983 Debt Service Reserve Fund due to a reduction of the reserve requirement permitted upon "full defeasance" of all 1983 Bonds.

Proceeds of the 1992 tax-exempt Refunding Bonds in an amount which with investment earnings will be sufficient to retire the 1983 tax-exempt bonds on March 1, 1993 (including interest and the 3% redemption premium) will be held in escrow until March 1, 1993 and then applied by the Trustee to redeem the 1983 Bonds. The 1992 tax-exempt Refunding Bonds will mature in 2001-2006 and under current market conditions would be expected to bear interest from 5.55% to 6.25% depending upon date of maturity.

Under current market conditions, approximately \$42.8 million of taxable 1992 Refunding Bonds will be required to refund the outstanding 1983 taxable bonds. The increase in taxable debt is necessary to fully "defease" the taxable 1983 Bonds by providing moneys sufficient to pay interest at 14% to maturity. However, full defeasance permits an overall smaller tax-exempt bond issue and an ability to revise the taxable debt service schedule and is expected to result in a lower average annual Service Fee.

Proceeds of the 1992 taxable Refunding Bonds in an amount which together with investment earnings will be sufficient to retire all 1983 taxable bonds at maturity or upon sinking fund redemption will be held in escrow by a Refunding Bond Trustee. The 1992 taxable Refunding Bonds will mature in 1995-1999 and under current market conditions would be expected to bear interest at 6.15% to 8.00% depending upon their maturity date.

Overall, the 1992 Refunding, under current market conditions, is expected to result in gross debt service savings of approximately \$50 million (after taking into consideration \$11 million of 1983 proceeds currently available to redeem 1983 tax-exempt Bonds in March, 1993). "Net Present Value" savings (which reflects the "cost" of money today which will be actually paid in the future) are estimated at approximately \$34.5 million under current market conditions.

Attached hereto as Exhibit A is a refunding analysis prepared by Public Financial Management Inc. providing a detailed analysis of the 1992 Refunding Bonds based on current market conditions.

North East Solid Waste Committee
Current Refunding

Page 1

Savings Analysis

Date	Old Debt Service		New Debt Service			Debt Service Savings (Losses)
	Net Debt Service on Tax-Exempt Bonds	Net Debt Service on Taxable Private Placement Bonds	Net Debt Service on Tax Exempt Refunding Bonds	Net Debt Service Taxable Tail of Refunding Bonds	Net Debt Service on Private Place. Refunding Bonds	
01-Mar-93	3,689,453	2,010,850	1,988,607	0	758,451	2,953,246
01-Sep-93						
01-Mar-94	14,757,813	9,204,800	7,954,426	0	3,075,940	12,932,246
01-Sep-94						
01-Mar-95	14,757,813	10,465,100	7,954,426	0	10,560,940	6,707,546
01-Sep-95						
01-Mar-96	14,757,813	11,813,800	7,954,426	0	10,560,613	8,056,574
01-Sep-96						
01-Mar-97	14,757,813	11,770,500	7,954,426	0	10,559,325	8,014,561
01-Sep-97						
01-Mar-98	14,757,813	0	7,954,426	0	10,559,525	(3,756,139)
01-Sep-98						
01-Mar-99	19,582,813	0	7,954,426	0	10,562,400	1,065,986
01-Sep-99						
01-Mar-00	27,944,281	0	23,214,426	0	0	4,729,855
01-Sep-00						
01-Mar-01	29,314,688	0	24,262,496	0	0	5,052,191
01-Sep-01						
01-Mar-02	30,991,150	0	25,664,661	0	0	5,326,489
01-Sep-02						
01-Mar-03	32,369,438	0	27,071,864	0	0	5,297,574
01-Sep-03						
01-Mar-04	34,075,500	0	28,477,806	0	0	5,597,694
01-Sep-04						
01-Mar-05	35,911,500	0	31,287,104	0	0	4,624,396
01-Sep-05						
01-Mar-06	987,763	0	6,486,031	0	0	(5,498,269)
	288,655,647	45,265,050	216,179,553	0	56,637,193	61,103,951
Present Value Savings @ 7%						45,528,496
Less: Excess Construction Fund Moneys						11,047,000
Net PV Savings						34,481,496

North East Solid Waste Committee
Current Refunding of Tax-Exempt Bonds

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Sources and Uses of Funds

Sources

Tax-Exempt Refunding Bonds	\$148,955,000.00
Existing Debt Service Reserve Fund	23,075,000.00
1983 Construction Fund	11,047,000.00
Transfer from old Bond Interest Fund	4,050,000.00
Total Sources	\$187,127,000.00

Uses

Escrow for Optional Redemption of 1983 Bonds	\$166,850,009.18
Call Premium (Net Funded)	4,764,307.22
New Debt Service Reserve Fund	10.00% 14,895,500.00
Costs of Issuance	1.25% 1,861,937.50
Underwriters' Discount	0.75% 1,117,162.50
Rounding (To be funded by taxable issue)	-2,361,916.41
Total Uses	\$187,127,000.00

**North East Solid Waste Committee
Current Refunding of Tax-Exempt Bonds**

Page 3 2

Existing Debt

Date	Principal	Coupon	Interest	Gross Period Debt Service	Reserve Fund Earnings	Net Period Debt Service	Net Debt Service
					6.25%		
01-Mar-93			4,050,000.00	4,050,000.00	360,546.88	3,689,453.13	3,689,453.13
01-Sep-93			8,100,000.00	8,100,000.00	721,093.75	7,378,906.25	
01-Mar-94		10.125%	8,100,000.00	8,100,000.00	721,093.75	7,378,906.25	14,757,812.50
01-Sep-94			8,100,000.00	8,100,000.00	721,093.75	7,378,906.25	
01-Mar-95		10.125%	8,100,000.00	8,100,000.00	721,093.75	7,378,906.25	14,757,812.50
01-Sep-95			8,100,000.00	8,100,000.00	721,093.75	7,378,906.25	
01-Mar-96		10.125%	8,100,000.00	8,100,000.00	721,093.75	7,378,906.25	14,757,812.50
01-Sep-96			8,100,000.00	8,100,000.00	721,093.75	7,378,906.25	
01-Mar-97		10.125%	8,100,000.00	8,100,000.00	721,093.75	7,378,906.25	14,757,812.50
01-Sep-97			8,100,000.00	8,100,000.00	721,093.75	7,378,906.25	
01-Mar-98		10.125%	8,100,000.00	8,100,000.00	721,093.75	7,378,906.25	14,757,812.50
01-Sep-98			8,100,000.00	8,100,000.00	721,093.75	7,378,906.25	
01-Mar-99	4,825,000.00	10.125%	8,100,000.00	12,925,000.00	721,093.75	12,203,906.25	19,582,812.50
01-Sep-99			7,855,734.38	7,855,734.38	721,093.75	7,134,640.63	
01-Mar-00	13,675,000.00	10.125%	7,855,734.38	21,530,734.38	721,093.75	20,809,640.63	27,944,281.25
01-Sep-00			7,163,437.50	7,163,437.50	721,093.75	6,442,343.75	
01-Mar-01	16,430,000.00	10.125%	7,163,437.50	23,593,437.50	721,093.75	22,872,343.75	29,314,687.50
01-Sep-01			6,331,668.75	6,331,668.75	721,093.75	5,610,575.00	
01-Mar-02	19,770,000.00	10.125%	6,331,668.75	26,101,668.75	721,093.75	25,380,575.00	30,991,150.00
01-Sep-02			5,330,812.50	5,330,812.50	721,093.75	4,609,718.75	
01-Mar-03	23,150,000.00	10.125%	5,330,812.50	28,480,812.50	721,093.75	27,759,718.75	32,369,437.50
01-Sep-03			4,158,843.75	4,158,843.75	721,093.75	3,437,750.00	
01-Mar-04	27,200,000.00	10.125%	4,158,843.75	31,358,843.75	721,093.75	30,637,750.00	34,075,500.00
01-Sep-04			2,781,843.75	2,781,843.75	721,093.75	2,060,750.00	
01-Mar-05	31,790,000.00	10.125%	2,781,843.75	34,571,843.75	721,093.75	33,850,750.00	35,911,500.00
01-Sep-05			1,172,475.00	1,172,475.00	721,093.75	451,381.25	
01-Mar-06	23,160,000.00	10.125%	1,172,475.00	24,332,475.00	23,796,093.75	536,381.25	987,762.50
	160,000,000.00		170,839,631.25	330,839,631.25	42,183,984.38	288,655,646.88	288,655,646.88

90 Day Escrow - Principal and Interest (due on 3/1/93)

Date	Beginning Balance	Escrow Fund Earnings @ 3.05%	Ending Balance
3/1/93	166,850,009	1,249,991	168,100,000

90 Day Escrow - Call Premium (3%)

Date	Beginning Balance	Escrow Fund Earnings @ 3.05%	Ending Balance
3/1/93	4,764,307	35,693	4,800,000

North East Solid Waste Committee
Current Refunding of Tax-Exempt Bonds

Page 4

Refunding Bonds Net Debt Service Schedule -- Tax-Exempt

Dated Date 01-Dec-92
Delivery Date 01-Dec-92

Date	Principal	Coupon	Interest	Period Total	Reserve Fund Earnings 6.25%	Net Period Debt Service	Net Debt Service
01-Mar-93			2,221,348.75	2,221,348.75	232,742.19	1,988,606.56	1,988,606.56
01-Sep-93			4,442,697.50	4,442,697.50	465,484.38	3,977,213.13	
01-Mar-94	0	0.00%	4,442,697.50	4,442,697.50	465,484.38	3,977,213.13	7,954,426.25
01-Sep-94			4,442,697.50	4,442,697.50	465,484.38	3,977,213.13	
01-Mar-95	0	0.00%	4,442,697.50	4,442,697.50	465,484.38	3,977,213.13	7,954,426.25
01-Sep-95			4,442,697.50	4,442,697.50	465,484.38	3,977,213.13	
01-Mar-96	0	0.00%	4,442,697.50	4,442,697.50	465,484.38	3,977,213.13	7,954,426.25
01-Sep-96			4,442,697.50	4,442,697.50	465,484.38	3,977,213.13	
01-Mar-97	0	0.00%	4,442,697.50	4,442,697.50	465,484.38	3,977,213.13	7,954,426.25
01-Sep-97			4,442,697.50	4,442,697.50	465,484.38	3,977,213.13	
01-Mar-98	0	0.00%	4,442,697.50	4,442,697.50	465,484.38	3,977,213.13	7,954,426.25
01-Sep-98			4,442,697.50	4,442,697.50	465,484.38	3,977,213.13	
01-Mar-99	0	0.00%	4,442,697.50	4,442,697.50	465,484.38	3,977,213.13	7,954,426.25
01-Sep-99			4,442,697.50	4,442,697.50	465,484.38	3,977,213.13	
01-Mar-00	15,260,000	5.55%	4,442,697.50	19,702,697.50	465,484.38	19,237,213.13	23,214,426.25
01-Sep-00			4,019,232.50	4,019,232.50	465,484.38	3,553,748.13	
01-Mar-01	17,155,000	5.70%	4,019,232.50	21,174,232.50	465,484.38	20,708,748.13	24,262,496.25
01-Sep-01			3,530,315.00	3,530,315.00	465,484.38	3,064,830.63	
01-Mar-02	19,535,000	5.85%	3,530,315.00	23,065,315.00	465,484.38	22,599,830.63	25,664,661.25
01-Sep-02			2,958,916.25	2,958,916.25	465,484.38	2,493,431.88	
01-Mar-03	22,085,000	5.95%	2,958,916.25	25,043,916.25	465,484.38	24,578,431.88	27,071,863.75
01-Sep-03			2,301,887.50	2,301,887.50	465,484.38	1,836,403.13	
01-Mar-04	24,805,000	6.05%	2,301,887.50	27,106,887.50	465,484.38	26,641,403.13	28,477,806.25
01-Sep-04			1,551,536.25	1,551,536.25	465,484.38	1,086,051.88	
01-Mar-05	29,115,000	6.15%	1,551,536.25	30,666,536.25	465,484.38	30,201,051.88	31,287,103.75
01-Sep-05			656,250.00	656,250.00	465,484.38	190,765.63	
01-Mar-06	21,000,000	6.25%	656,250.00	21,656,250.00	15,360,984.38	6,295,265.63	6,486,031.25
	148,955,000		94,455,388.75	243,410,388.75	27,230,835.94	216,179,552.81	216,179,552.81

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Taxable Refunding Bonds	\$42,785,000.00
Existing Debt Service Reserve Fund	0.00
Transfer from old Bond Principal Fund	<u>2,430,000.00</u>
Total Sources	\$45,215,000.00

Uses

Cost of Refunding Escrow		\$41,996,575.00
Excess Costs not funded with Tax-Exempt Debt		2,361,916.41
New Debt Service Reserve Fund	0.00%	0.00
Costs of Issuance	1.00%	427,850.00
Underwriters' Discount	1.00%	427,850.00
Rounding		<u>808.59</u>
Total Uses		\$45,215,000.00

North East Solid Waste Committee
Advanced Refunding of Private Placement Bonds
Escrowed to Maturity
Existing Private Placement Debt

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Date	Principal	Coupon	Interest	Gross Period Debt Service	Reserve Fund	Net Period Debt Service	Net Debt Service
					Earnings 6.25%		
01-Mar-93	3,240,000.00	14.000%	1,200,850.00	4,440,850.00	0.00	4,440,850.00	4,440,850.00
01-Sep-93			2,174,900.00	2,174,900.00	0.00	2,174,900.00	
01-Mar-94	4,855,000.00	14.000%	2,174,900.00	7,029,900.00	0.00	7,029,900.00	9,204,800.00
01-Sep-94			1,835,050.00	1,835,050.00	0.00	1,835,050.00	
01-Mar-95	6,795,000.00	14.000%	1,835,050.00	8,630,050.00	0.00	8,630,050.00	10,465,100.00
01-Sep-95			1,359,400.00	1,359,400.00	0.00	1,359,400.00	
01-Mar-96	9,095,000.00	14.000%	1,359,400.00	10,454,400.00	0.00	10,454,400.00	11,813,800.00
01-Sep-96			722,750.00	722,750.00	0.00	722,750.00	
01-Mar-97	10,325,000.00	14.000%	722,750.00	11,047,750.00	0.00	11,047,750.00	11,770,500.00
01-Sep-97			0.00	0.00	0.00	0.00	
01-Mar-98	0.00	14.000%	0.00	0.00	0.00	0.00	0.00
	34,310,000.00		13,385,050.00	47,695,050.00	0.00	47,695,050.00	47,695,050.00

North East Solid Waste Committee
Advanced Refunding of Private Placement Bonds
Escrowed to Maturity
Debt Service of Refunding Issue

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Date	Principal	Coupon	Interest	Period Total	Reserve Fund Earnings 6.25%	Net Period Debt Service	Net Per. Debt Service
01-Mar-93			758,450.96	758,450.96	0.00	758,450.96	758,450.96
01-Sep-93			1,537,970.00	1,537,970.00	0.00	1,537,970.00	
01-Mar-94			1,537,970.00	1,537,970.00	0.00	1,537,970.00	3,075,940.00
01-Sep-94			1,537,970.00	1,537,970.00	0.00	1,537,970.00	
01-Mar-95	7,485,000	6.15%	1,537,970.00	9,022,970.00	0.00	9,022,970.00	10,560,940.00
01-Sep-95			1,307,806.25	1,307,806.25	0.00	1,307,806.25	
01-Mar-96	7,945,000	6.75%	1,307,806.25	9,252,806.25	0.00	9,252,806.25	10,560,612.50
01-Sep-96			1,039,662.50	1,039,662.50	0.00	1,039,662.50	
01-Mar-97	8,480,000	7.25%	1,039,662.50	9,519,662.50	0.00	9,519,662.50	10,559,325.00
01-Sep-97			732,262.50	732,262.50	0.00	732,262.50	
01-Mar-98	9,095,000	7.50%	732,262.50	9,827,262.50	0.00	9,827,262.50	10,559,525.00
01-Sep-98			391,200.00	391,200.00	0.00	391,200.00	
01-Mar-99	9,780,000	8.00%	391,200.00	10,171,200.00	0.00	10,171,200.00	10,562,400.00
01-Sep-99			0.00	0.00	0.00	0.00	
01-Mar-00			0.00	0.00	0.00	0.00	0.00
01-Sep-00			0.00	0.00	0.00	0.00	
01-Mar-01			0.00	0.00	0.00	0.00	0.00
01-Sep-01			0.00	0.00	0.00	0.00	
01-Mar-02			0.00	0.00	0.00	0.00	0.00
01-Sep-02			0.00	0.00	0.00	0.00	
01-Mar-03			0.00	0.00	0.00	0.00	0.00
01-Sep-03			0.00	0.00	0.00	0.00	
01-Mar-04			0.00	0.00	0.00	0.00	0.00
01-Sep-04			0.00	0.00	0.00	0.00	
01-Mar-05			0.00	0.00	0.00	0.00	0.00
01-Sep-05			0.00	0.00	0.00	0.00	
01-Mar-06			0.00	0.00	0.00	0.00	0.00
	42,785,000		13,852,193.46	56,637,193.46	0.00	56,637,193.46	56,637,193.46

Annual Debt Service \$10,560,000
Rounding Amount 808.59

Dated Date 01-Dec-92
Delivery Date 01-Dec-92
1st Coupon Payment Date 01-Mar-93

North East Solid Waste Committee
Advanced Refunding of Private Placement Bonds
Escrowed to Maturity
Escrow Requirements

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<u>Date</u>	<u>Period Debt Service</u>	<u>Escrow Requirement</u>
01-Mar-93	4,440,850	4,440,850
01-Sep-93	2,174,900	2,174,900
01-Mar-94	7,029,900	7,029,900
01-Sep-94	1,835,050	1,835,050
01-Mar-95	8,630,050	8,630,050
01-Sep-95	1,359,400	1,359,400
01-Mar-96	10,454,400	10,454,400
01-Sep-96	722,750	722,750
01-Mar-97	11,047,750	11,047,750
01-Sep-97	0	0
01-Mar-98	0	0
Total	47,695,050	47,695,050

**North East Solid Waste Committee
Advanced Refunding of Private Placement Bonds
Escrowed to Maturity
Escrow Cashflow**

Page 9 of 10

Date	Principal	Coupon	Interest	Receipts	Requirements	Cash Balance
01-Mar-93	3,948,200.00	3.05%	492,725.23	4,440,925.23	4,440,850.00	75.00
01-Sep-93	1,236,000.00	3.50%	938,927.23	2,174,927.23	2,174,900.00	27.00
01-Mar-94	8,112,600.00	4.05%	917,297.23	7,029,897.23	7,029,900.00	-3.00
01-Sep-94	1,041,500.00	4.25%	793,517.08	1,835,017.08	1,835,050.00	-33.00
01-Mar-95	7,858,700.00	4.55%	771,385.20	8,630,085.20	8,630,050.00	35.00
01-Sep-95	766,800.00	4.85%	592,599.78	1,359,399.78	1,359,400.00	0.00
01-Mar-96	9,880,400.00	5.25%	574,004.88	10,454,404.88	10,454,400.00	5.00
01-Sep-96	408,100.00	5.45%	314,644.38	722,744.38	722,750.00	-6.00
01-Mar-97	10,744,200.00	5.65%	303,523.65	11,047,723.65	11,047,750.00	-26.00
01-Sep-97	0.00	5.75%	0.00	0.00	0.00	0.00
01-Mar-98	0.00	6.00%	0.00	0.00	0.00	0.00
	41,996,500.00		5,698,624.63	47,695,124.63	47,695,050.00	

Cost of Escrow	41,996,500.00
Required Beginning Cash Balance	75.00
	<u>41,996,575.00</u>



TOWN OF ACTON
MASSACHUSETTS

FOR TOWN USE ONLY

License or Permit Application

NOVEMBER 28 1992

To the Licensing Authorities of Acton:

The undersigned hereby makes application for the following described license, in accordance with the provisions of the General Laws, and amendments thereto:

CHECK THE APPROPRIATE BOX INDICATING THE LICENSE OR PERMIT FOR WHICH APPLICATION IS BEING MADE:

☐ Auction ☐ Entertainment ☐ Flea Market ☐ One-Day Liquor ☐ One-Day Beer and Wine
(Please print or type) ☒ Other CHRISTMAS TREE SALES

Name of Organization/Applicant ACTON LION'S CLUB

Location of Event DONELANS PARKING LOT 200 MAIN ST.

Name of Owner of Premises MIKE LAFOLEY

DESCRIPTION OF EVENT (i.e; fee or donation to be charged?, name of operators of event?, purpose of event?, parking availability?, etc.):

CHRISTMAS TREE SALES. PROCEEDS TO BENEFIT
LION'S CLUB CHARITIES.

Day and Date of Event: DECEMBER 5TH TO DECEMBER 24TH Hours of Event: 8:00 AM TO 9:00 PM

DESCRIPTION OF APPLICANT

Name of person making application LAURENCE HILL FOR ACTON LIONS CLUB

Occupation ELECTRICAL ENGINEER

Residential Address 11 FRANCINE RD

Business Address PCB 588 MS VTF BOLLINGTON MA 01802

Telephone: Home 508 263 7022 Business 617 872 5215

Date of naturalization, if not born in U.S. Have you ever been arrested for any law violation? No

Male or Female M If so, when

Date of birth 11/10/1934 where

Place of birth HAMAR CO State briefly

Father's name D

Mother's maiden name D

References: (Names and addresses)

1. C. LANDRY 17 KING RD ACTON

2. H. LAKE 35 QUABOAG ACTON

3. J. HAWKES 137 SUMNER ACTON

Remarks:

Signature of Applicant Laurence Hill

**TOWN OF ACTON POLICE DEPARTMENT
INTER-DEPARTMENTAL COMMUNICATION**

TO: Lt. John McNiff DATE: November 30, 1992
FROM: Det. Todd Fenniman TIME: 12:48 PM
SUBJ: Investigation of Nuisance Dog Complaint

In reference to Massachusetts General Laws Chapter 140-Section 157, an investigation of Vicious or Barking Dogs was undertaken through a search of Acton Police Departmental records and logs.

During the period January 1991 through October 1992, the Dog Officer Les Boardman received 20 calls from this department in reference to nuisance dogs at the Sawyer residence(41 Minuteman Road). Mr. Boardman was able to contact Mr. Sawyer 12 times in response to these complaints. His log entries are attached with this report.

According to Acton Police Departmental Logs, from the period January 1990 through the present date, 30 calls were received in reference to the Sawyer Dogs. 1 call was from Town Hall in reference to two of the Sawyer dogs being unlicensed. 1 call was in reference to the Sawyer dogs being missing. Of the other 28, all of which were in reference to the Sawyer dogs being a nuisance to wit: excessive barking, 6 incidents were recorded that the police were sent to the Sawyer's address but upon arrival no barking was heard by the dispatched officer.

Acton Police Department
Incident Statistics

November 30, 1992

Monday 12:35

Selected Incidents from 10/28/1992 00:00 to 11/30/1992 23:59

INCIDENT/ OFFICER/ DISPATCHER	DATE TIME	LANDMARK AND/OR ADDRESS	TYPE DISPOSITION SUPERVISOR	NATURE
I9213516 MILLIGAN MILLIGAN	11/07 15 14:16	SIMON WILLARD RD	ANIMAL PROBLEM SPOKEN TO ROGERS	ANIMAL COMPLAIN
MRS.CONLEY #264-0059 CALLED TO COMPLAIN ABOUT THE SAVYER DOGS BARKING,CALLED MR. SAVYER WAS CALLED HE STATED HE WILL BRING IN THE DOGS PROBLEM RESOLVED.				

November 30, 1992

Acton Police Department
Incident Statistics

Monday 12:31

Selected Incidents from 10/28/1992 00:00 to 11/30/1992 23:59

INCIDENT/ OFFICER/ DISPATCHER	DATE TIME	LANDMARK AND/OR ADDRESS	TYPE DISPOSITION SUPERVISOR	NATURE
I9213525 PALMA HOWE	11/07 22:39	41 MINUTEMAN RD	ANIMAL PROBLEM SPOKEN TO ROGERS	BARKING DOGS MRS CONLY REPORTS BARKING DOGS SINCE 9PM, CAR 21 SENT PTL PALMA REPORTS AREA QUIET AT THIS TIME.
I9213791 COONEY HOWE	11/14 17:57	41 MINUTEMAN RD	ANIMAL PROBLEM SPOKEN TO ROGERS	BARKING DOGS MRS CONLY REPORTS SAVIER'S DOGS BARKING. PRECINCT CAR TIED UP AT THIS TIME CAR 21 SENT AT 1822, NOONE HOME, NO BARKING OBSERVED
I9213871 GOODMAN HOWE	11/16 17:47	41 MINUTEMAN RD	ANIMAL PROBLEM OTHER MCPADDEN	DOG BARKING MRS CONLY REPORTS DOG BARKING AT SAVIER RESIDENCE SINCE 1540HRS. CAR 21 SENT, NO ONE HOME, NO DOG BARKING

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: 11/30/92

TO: Finance Committee
FROM: John Murray 
SUBJECT: The Dollar Difference between FY93 and FY94

As you are aware, for the last three meetings I have not been able to provide you with the dollar difference between the fiscal year 93 and fiscal year 94 municipal budgets. As we discussed the problem has not been the difficulty of the task, rather it has been finding time to complete the work. As I mentioned to you this morning we are fighting fires constantly and I will not take time to complain that we are understaffed, because the underfunding has been agreed to by staff and The Board of Selectmen as part of the previous budget compromises. I am still unable to put the attached information in the correct format, but I hope the additional information will be helpful.

- 1) The first three pages of the attachment represent "The Fiscal Year 94 Plan".
- 2) The fourth page is the overall picture with the proposed dollar variance.
- 2) The fifth page breaks out the major components of the four predominant categories.
- 3) The last two pages represent the percentage multipliers used in calculating #1 & #2 listed above.

In summary, the attached report is arranged in ascending order of detail, and you may wish to read it from back to front. Please note: The last two pages correspond to the assumptions in version 7 of the guidelines.

COORDINATING COMMITTEE FY94 & FY95 DRAFT FINANCIAL PLAN

FY94 budget at version 7 guidelines

	1993	1994 2%	1995 5% INC.
TOWN GOV'T	\$9,906	\$10,436	\$10,758
(town growth)		\$88	\$460
(infrastructure & capital maintenance)		\$0	\$420
(town self-funding tax collection program)		\$0	\$0
SCHOOLS	\$18,873	\$19,554	\$20,847
(school growth)		\$300	\$0
MINUTEMAN	\$602	\$675	\$709
NESWC Arbitration and Stabilization Awards	\$200	\$100	\$100
MBTA ASSESSMENT		?	?
ENTERPRISE FUNDS (does not include merriam)	\$1,762	\$2,010	\$2,110
TOTAL OPERATING EXPENSES	\$31,343	\$33,163	\$35,603
DEBT & INTEREST	\$1,430	\$1,331	\$1,331
TOTAL EXPENDITURES	\$32,773	\$34,494	\$36,934
			2.5 % inc
CHERRY SHEETS	\$1,350	\$1,309	\$1,342
REGIONAL INCOME	\$1,921	\$1,906	\$1,954
Additional School Aid		\$350	\$350
SCHOOL CHOICE	\$445	\$304	\$311
MOTOR VEHICLE	\$950	\$950	\$974
FEES	\$1,000	\$1,000	\$1,025
ENTERPRISE FUNDS (does not include merriam)	\$973	\$1,182	\$1,241
Collection Program		\$0	\$0
DEFERRAL	\$619	\$0	\$0
NON-PROPERTY TAX REV.	\$7,258	\$7,001	\$7,196
TOTAL LEVY & TRANSFER	\$25,515	\$25,453	\$25,494
TOTAL REVENUE	\$32,773	\$32,453	\$32,690
LESS TOTAL EXPENSE	(\$32,773)	(\$34,494)	(\$36,934)
TOTAL OVER/(SHORT)	\$0	(\$2,040)	(\$4,244)
BEGINNING LEVY	\$23,375	\$24,209	\$27,103
2 1/2% INCREASE	\$584	\$603	\$678
NEW GROWTH	\$250	\$250	\$250
OVERRIDE	\$0	\$0	\$0
DEBT EXCLUSIONS	\$727	\$553	\$511
OVERLAY	(\$650)	(\$750)	(\$950)
SUB-TOTAL	\$24,286	\$24,868	\$27,594
RESERVE CONTRIBUTION	\$263	\$528	(\$2,100)
Extra Reserve Fund needs	\$342		
E & D CONTRIBUTION	\$0	\$57	\$0
OTHER	\$624	\$0	\$0
TOTAL REVENUE	\$25,515	\$25,453	\$25,494

(a)Enterprise fund income increased 5% and (b)FY94 override of shortfall

DRAFT

Revision #7

To: The Coordinating Committee
From: Staff
Re: FY94 Draft Plan
Date: November 19, 1992

This plan, like all plans, was constructed from the bottom up. The first step was setting the foundation, which means to determine the assumptions on which the plan is to be constructed. As you are aware, if one were to change all or any of the following assumptions, then the numbers in the financial plan would also have to be modified.

ASSUMPTIONS FOR FY94

1. Staff will create a plan which optimizes service to the community and minimizes the cost to the taxpayer.
2. Special Ed. Tuition and SPED Transportation will be increased by 15%. (?) (\$247,065) (Budgeted amounts for these line items will be based on actual costs. Please note that C.A.S.E. West SPED Transportation System will have to replace part of its fleet in FY '94.)
3. The NESWC enterprise fund would increase by 35%. (?) (Budgeted amount for this line item will be based on actual cost. This projected increase is approximately \$350,000 which will come out of appropriated funds.)
4. The Regional Schools' legal costs will be budgeted at \$45,000. Any unspent balance in this year's FY93 legal account will go into the Regional Schools' E & D account and will be ear-marked as a contingency for FY94 legal costs related to the pending McNulty litigation. This legal contingency will be in addition to the 1% held in the E & D account. (See #6)
5. Expense categories will be increased by the following amounts:

		<u>FY94 Prop. Change \$*</u>	
		<u>Town</u>	<u>Schools</u>
Utilities	2.5%		\$1,112
Health Insurance	10% (?)		\$219,976
Worker's Comp. & 111F (Police & Fire Ins.)	20%		\$16,720
Pension Expense	5% (?)		\$15,300
Unemployment Ins.	0%		-0-
(Will need to be increased if Prop. 2 1/2 override fails)			
Life Insurance	0%		-0-
Contingency Funds	0%		-0-
Salaries	2%		\$285,634
Debt and Interest	at actual level of 6/30/93		<\$108,224>
All Other Expenses	2.5%		<\$65,590>**

* (Increases do not include school growth of \$300K or Town Tax Collection System of \$450K.)

** (Includes reduction in Regional Schools legal services account.)

7. A new expenditure and a new revenue line called Self-Funding Projects will be added. These lines will reflect new programs (i.e., School Choice and Traffic Unit) as of 6/30/90, which are totally self-sufficient. The Self-Funding line will not be used in calculating the allocation split.

8. Deferral Compromise

- 1) The Local and Regional Schools will accept Deferral for both years FY'92 & FY'93).
- 2) An accelerated amortization will be adopted by written agreement between the three (3) parties. This will consist of a four (4) year pay-back period with the first year of amortization beginning in FY'94 and continuing in 1/4 installments for the following three (3) years.
- 3) No formal amortization votes...other than one that is supportive of the written agreement...will be taken by the Selectmen (via placement of an Article before Town Meeting) or the Regional School Committee.
- 4) Deferral amortization will be built into the budgets for the years FY'94-FY'97.
- 5) The Selectmen, Regional School Committee, Fincom and Staff shall adopt and support this compromise.

/es

TOWN OF ACUM
PRO FORMA
F/Y "94" MUNICIPAL OBJECT BUDGET

VERSION 1		SEPTEMBER 30, 1992		
		2.00%		
		PROPOSED		
		1993	1994	
		BUDGET	C	
WAGES		5,420,246	5,628,651	208,405
ASSOCIATED BENEFITS		44,935	46,058	1,123
INSURANCE		1,342,974	1,486,809	143,835
PENSION		936,533	983,360	46,827
1	SUB-TOTAL WAGES W/FRINGES	7,744,688	8,144,878	400,190
4	UTILITIES	281,050	288,076	7,026
8	EQUIPMENT REPAIR/REPLACEMENT	395,296	405,178	9,882
12	INSURANCE, NON-EMPLOYEE	239,012	244,987	5,975
16	LEGAL	227,000	232,675	5,675
20	SNOW REMOVAL	123,050	126,126	3,076
24	INFRASTRUCTURE REPAIR	261,991	268,541	6,550
28	SUPPLIES	99,548	102,037	2,489
32	GAS & DIESEL FUEL	92,655	94,971	2,316
36	OTHER EXPENSES	117,812	120,757	2,945
40	BLDG. & GROUNDS MAINT.	60,660	62,177	1,517
44	LIBRARY BOOKS	60,983	62,508	1,525
46	PRINTING & DISTRIBUTION	61,010	62,535	1,525
50	SOCIAL SERVICES	13,225	13,556	331
54	MIS. CONTRACTS/REPAIRS & SUPPLIES	95,737	98,130	2,393
58	EXTERNAL EXPERT ADVICE	10,955	11,229	274
62	AUDIT	25,750	26,394	644
64	ADVERTISING	7,650	7,841	191
68	TRAVEL, LOCAL	2,363	2,422	59
72	PUBLIC RELATIONS	1,550	1,589	39
76	TRAVEL, OUT OF STATE	2,000	2,050	50
80	DEBT REGISTRATION	2,000	2,050	50
84	VETERAN'S BENEFITS	10,720	19,188	468
88	RESERVE FUND	35,000	35,875	875
	WARRANT ARTICLES		0	0
	SUB-TOTAL OTHER EXPENSES	2,235,017	2,290,892	55,875
	TOTAL MUNICIPAL BUDGET	9,979,705	10,435,770	456,065

VERSION 1

TOWN OF ACTON
BUDGET PREPARATION

	1993 BUDGET	PROPOSED 1994 3	PROPOSED VARIANCE 93/94
<u>WAGES DETAIL</u>			
1001 WAGES-REGULAR	4,818,607	4,914,979	96,372
1002 WAGES-CHAPTER 111F	N/A	100,000	100,000
1003 WAGES-HOLIDAY	0	0	0
1004 WAGES-OVERTIME	134,422	137,110	2,688
1005 WAGES-PERSONAL	0	0	0
1007 WAGES-SICK	0	0	0
1009 WAGES-VACATION	0	0	0
1010 WAGES-SPECIAL	81,500	83,130	1,630
1102 WAGES-COVERAGE, FUNERAL	4,000	4,080	80
1103 WAGES-COVERAGE, HOLIDAY	111,087	113,309	2,222
1105 WAGES-COVERAGE, PERSONAL	10,272	10,477	205
1107 WAGES-COVERAGE, SICK	55,053	56,154	1,101
1109 WAGES-COVERAGE, VACATION	139,505	142,295	2,790
1273 WAGES-BOARDS	6,400	6,528	128
1680 WAGES-INJURY	7,000	7,140	140
1845 WAGES-SEASONAL		0	0
1850 WAGES-SUBSTITUTE	6,100	6,222	122
1875 WAGES-INCENTIVE	46,300	47,226	926
TOTAL WAGES	5,420,246	5,628,651	208,405
<u>ASSOCIATED EXPENSE DETAIL</u>			
5100 EDUCATIONAL CONFERENCES	3,350	3,434	84
5520 MEALS	300	308	8
5825 UNIFORMS/CLOTHING	41,285	42,317	1,032
TOTAL EXPENSES	44,935	46,058	1,123
<u>INSURANCE DETAIL</u>			
6400 LIFE	10,300	10,300	0
6500 HEALTH	1,042,000	1,146,200	104,200
6600 UNEMPLOYMENT	40,000	40,000	0
6600 WORKMEN'S COMPENSATION	180,674	216,809	36,135
6600 MEDICARE	70,000	73,500	3,500
TOTAL INSURANCE	1,342,974	1,486,809	143,835
<u>UTILITIES DETAIL</u>			
7600 TELEPHONE	81,500	83,538	2,038
8200 ELECTRIC	162,750	166,819	4,069
8400 FUEL OIL	12,700	13,018	318
8500 NAT. GAS	20,350	20,859	509
8700 WATER	3,750	3,844	94
TOTAL UTILITIES	281,050	288,076	7,026

VERSION 1

TOWN OF ACTON
BUDGET PREPARATION

BUDGET % INCREASE ASSUMPTIONS

PROPOSED
1993
3

WAGES DETAIL

1001 WAGES-REGULAR	2.0%
1002 WAGES-CHAPTER 111F	20.0%
1003 WAGES-HOLIDAY	2.0%
1004 WAGES-OVERTIME	2.0%
1005 WAGES-PERSONAL	2.0%
1007 WAGES-SICK	2.0%
1009 WAGES-VACATION	2.0%
1010 WAGES-SPECIAL	2.0%
1102 WAGES-COVERAGE, FUNERAL	2.0%
1103 WAGES-COVERAGE, HOLIDAY	2.0%
1105 WAGES-COVERAGE, PERSONAL	2.0%
1107 WAGES-COVERAGE, SICK	2.0%
1109 WAGES-COVERAGE, VACATION	2.0%
1273 WAGES-BOARDS	2.0%
1680 WAGES-INJURY	2.0%
1845 WAGES-SEASONAL	2.0%
1850 WAGES-SUBSTITUTE	2.0%
1875 WAGES-INCENTIVE	2.0%

ASSOCIATED EXPENSE DETAIL

5100 EDUCATIONAL CONFERENCES	2.5%
5520 MEALS	2.5%
5825 UNIFORMS/CLOTHING	2.5%

INSURANCE DETAIL

6400 LIFE	0.0%
6500 HEALTH	10.0%
6600 UNEMPLOYMENT	0.0%
6600 WORKMEN'S COMPENSATION	20.0%
6600 MEDICARE	5.0%

PENSION

5.0%

VERSION 1

TOWN OF ACTON
BUDGET PREPARATION

BUDGET % INCREASE ASSUMPTIONS CONT'D

PROPOSED
1993
3

SEE DETAIL

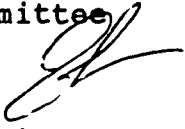
4 UTILITIES	2.5%
8 EQUIP REPAIR & REPLACE	2.5%
12 INSURANCE, NON-EMPLOYEE	2.5%
16 LEGAL	2.5%
20 SNOW REMOVAL	2.5%
24 INFRASTRUCTURE REPAIR	2.5%
28 SUPPLIES	2.5%
32 GAS & DIESEL FUEL	2.5%
36 OTHER EXPENSES	2.5%
40 BLDG. & GROUNDS MAINT.	2.5%
44 LIBRARY BOOKS	2.5%
46 PRINTING & DISTRIBUTION	2.5%
50 SOCIAL SERVICES	2.5%
54 MIS CONTRACTS/REPAIRS & SUPPLIES	2.5%
58 EXTERNAL EXPERT ADVICE	2.5%
62 AUDIT	2.5%
64 ADVERTISING	2.5%
68 TRAVEL, LOCAL	2.5%
72 PUBLIC RELATIONS	2.5%
76 TRAVEL, OUT OF STATE	2.5%
80 DEBT REGISTRATION	2.5%
84 VETERAN'S BENEFITS	2.5%
87 DEBT & INTEREST	2.5%
88 RESERVE FUND	2.5%
WARRANT ARTICLES	2.5%

UTILITIES DETAIL

4570 SUPPORT	2.5%
7600 TELEPHONE	2.5%
8200 ELECTRIC	2.5%
8400 FUEL OIL	2.5%
8500 NAT GAS	2.5%
8700 WATER	2.5%
TOTAL UTILITIES	

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: 11/30/92

TO: Finance Committee
FROM: John Murray 
SUBJECT: The Dollar Difference between FY93 and FY94

As you are aware, for the last three meetings I have not been able to provide you with the dollar difference between the fiscal year 93 and fiscal year 94 municipal budgets. As we discussed the problem has not been the difficulty of the task, rather it has been finding time to complete the work. As I mentioned to you this morning we are fighting fires constantly and I will not take time to complain that we are understaffed, because the underfunding has been agreed to by staff and The Board of Selectmen as part of the previous budget compromises. I am still unable to put the attached information in the correct format, but I hope the additional information will be helpful.

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TOTAL OVER/(SHORT)	\$0	(\$2,040)	(\$4,244)
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2 1/2% INCREASE	\$584	\$605	\$678
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OVERRIDE	\$0	\$0	\$0
DEBT EXCLUSIONS	\$727	\$553	\$511
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SUB-TOTAL	\$24,286	\$24,868	\$27,594
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OTHER	\$624	\$0	\$0
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DRAFT

Revision #7

To: The Coordinating Committee
From: Staff
Re: FY94 Draft Plan
Date: November 19, 1992

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		<u>Town</u>	<u>Schools</u>
Utilities	2.5%		\$1,112
Health Insurance	10% (?)		\$219,976
Worker's Comp. & 111F (Police & Fire Ins.)	20%		\$16,720
Pension Expense	5% (?)		\$15,300
Unemployment Ins.	0%		-0-
(Will need to be increased if Prop. 2 1/2 override fails)			
Life Insurance	0%		-0-
Contingency Funds	0%		-0-
Salaries	2%		\$285,634
Debt and Interest	at actual level of 6/30/93		<\$108,224>
All Other Expenses	2.5%		<\$65,590>**

* (Increases do not include school growth of \$300K or Town Tax Collection System of \$450K.)

** (Includes reduction in Regional Schools legal services account.)

7. A new expenditure and a new revenue line called Self-Funding Projects will be added. These lines will reflect new programs (i.e., School Choice and Traffic Unit) as of 6/30/90, which are totally self-sufficient. The Self-Funding line will not be used in calculating the allocation split.

8. Deferral Compromise

- 1) The Local and Regional Schools will accept Deferral for both years FY'92 & FY'93).
- 2) An accelerated amortization will be adopted by written agreement between the three (3) parties. This will consist of a four (4) year pay-back period with the first year of amortization beginning in FY'94 and continuing in 1/4 installments for the following three (3) years.
- 3) No formal amortization votes...other than one that is supportive of the written agreement...will be taken by the Selectmen (via placement of an Article before Town Meeting) or the Regional School Committee.
- 4) Deferral amortization will be built into the budgets for the years FY'94-FY'97.
- 5) The Selectmen, Regional School Committee, Fincom and Staff shall adopt and support this compromise.

/es

TOWN OF FULTON
PRO FORM
F/Y "94" MUNICIPAL OBJECT BUDGET

VERSION 1		SEPTEMBER 30, 1992		
		2.00%		
		PROPOSED		
		1994		
		C		
		1993		
		BUDGET		
WAGES		5,420,246	5,628,651	208,405
ASSOCIATED BENEFITS		44,935	46,058	1,123
INSURANCE		1,342,974	1,486,809	143,835
PENSION		936,533	983,360	46,827
1	SUB-TOTAL WAGES W/FRINGES	7,744,688	8,144,878	400,190
4	UTILITIES	281,050	288,076	7,026
8	EQUIPMENT REPAIR/REPLACEMENT	395,296	405,178	9,882
12	INSURANCE, NON-EMPLOYEE	239,012	244,987	5,975
16	LEGAL	227,000	232,675	5,675
20	SNOW REMOVAL	123,050	126,126	3,076
24	INFRASTRUCTURE REPAIR	261,991	268,541	6,550
28	SUPPLIES	99,548	102,037	2,489
32	GAS & DIESEL FUEL	92,655	94,971	2,316
36	OTHER EXPENSES	117,812	120,757	2,945
40	BLDG. & GROUNDS MAINT.	60,660	62,177	1,517
44	LIBRARY BOOKS	60,983	62,508	1,525
46	PRINTING & DISTRIBUTION	61,010	62,535	1,525
50	SOCIAL SERVICES	13,225	13,556	331
54	MIS. CONTRACTS/REPAIRS & SUPPLIES	95,737	98,130	2,393
58	EXTERNAL EXPERT ADVICE	10,955	11,229	274
62	AUDIT	25,750	26,394	644
64	ADVERTISING	7,650	7,841	191
68	TRAVEL, LOCAL	2,363	2,422	59
72	PUBLIC RELATIONS	1,550	1,589	39
76	TRAVEL, OUT OF STATE	2,000	2,050	50
80	DEBT REGISTRATION	2,000	2,050	50
84	VETERAN'S BENEFITS	19,720	19,188	468
88	RESERVE FUND	35,000	35,875	875
	WARRANT ARTICLES		0	0
	SUB-TOTAL OTHER EXPENSES	2,235,017	2,290,892	55,875
	TOTAL MUNICIPAL BUDGET	9,979,705	10,435,770	456,065

VERSION 1

TOWN OF ACTON
BUDGET PREPARATION

	1993 BUDGET	PROPOSED 1994 3	PROPOSED VARIANCE 93/94
--	----------------	-----------------------	-------------------------------

WAGES DETAIL

1001 WAGES-REGULAR	4,818,607	4,914,979	96,372
1002 WAGES-CHAPTER 111F	N/A	100,000	100,000
1003 WAGES-HOLIDAY	0	0	0
1004 WAGES-OVERTIME	134,422	137,110	2,688
1005 WAGES-PERSONAL	0	0	0
1007 WAGES-SICK	0	0	0
1009 WAGES-VACATION	0	0	0
1010 WAGES-SPECIAL	81,500	83,130	1,630
1102 WAGES-COVERAGE, FUNERAL	4,000	4,080	80
1103 WAGES-COVERAGE, HOLIDAY	111,087	111,309	2,222
1105 WAGES-COVERAGE, PERSONAL	10,272	10,477	205
1107 WAGES-COVERAGE, SICK	55,053	56,154	1,101
1109 WAGES-COVERAGE, VACATION	139,505	142,295	2,790
1273 WAGES-BOARDS	6,400	6,528	128
1680 WAGES-INJURY	7,000	7,140	140
1845 WAGES-SEASONAL		0	0
1850 WAGES-SUBSTITUTE	6,100	6,222	122
1875 WAGES-INCENTIVE	46,300	47,226	926
TOTAL WAGES	5,420,246	5,628,651	208,405

ASSOCIATED EXPENSE DETAIL

5100 EDUCATIONAL CONFERENCES	3,350	3,434	84
5520 MEALS	300	308	8
5825 UNIFORMS/CLOTHING	41,285	42,317	1,032
TOTAL EXPENSES	44,935	46,058	1,123

INSURANCE DETAIL

6400 LIFE	10,300	10,300	0
6500 HEALTH	1,042,000	1,146,200	104,200
6600 UNEMPLOYMENT	40,000	40,000	0
6600 WORKMEN'S COMPENSATION	180,674	216,809	36,135
6600 MEDICARE	70,000	73,500	3,500
TOTAL INSURANCE	1,342,974	1,486,809	143,835

UTILITIES DETAIL

7600 TELEPHONE	81,500	83,538	2,038
8200 ELECTRIC	162,750	166,819	4,069
8400 FUEL OIL	12,700	13,018	318
8500 NAT. GAS	20,350	20,859	509
8700 WATER	3,750	3,844	94
TOTAL UTILITIES	281,050	288,076	7,026

VERSION 1

TOWN OF ACTON
BUDGET PREPARATION

BUDGET % INCREASE ASSUMPTIONS

PROPOSED
1993
3

WAGES DETAIL

1001 WAGES-REGULAR	2.0%
1002 WAGES-CHAPTER 111F	20.0%
1003 WAGES-HOLIDAY	2.0%
1004 WAGES-OVERTIME	2.0%
1005 WAGES-PERSONAL	2.0%
1007 WAGES-SICK	2.0%
1009 WAGES-VACATION	2.0%
1010 WAGES-SPECIAL	2.0%
1102 WAGES-COVERAGE, FUNERAL	2.0%
1103 WAGES-COVERAGE, HOLIDAY	2.0%
1105 WAGES-COVERAGE, PERSONAL	2.0%
1107 WAGES-COVERAGE, SICK	2.0%
1109 WAGES-COVERAGE, VACATION	2.0%
1273 WAGES-BOARDS	2.0%
1680 WAGES-INJURY	2.0%
1845 WAGES-SEASONAL	2.0%
1850 WAGES-SUBSTITUTE	2.0%
1875 WAGES-INCENTIVE	2.0%

ASSOCIATED EXPENSE DETAIL

5100 EDUCATIONAL CONFERENCES	2.5%
5520 MEALS	2.5%
5825 UNIFORMS/CLOTHING	2.5%

INSURANCE DETAIL

6400 LIFE	0.0%
6500 HEALTH	10.0%
6600 UNEMPLOYMENT	0.0%
6600 WORKMEN'S COMPENSATION	20.0%
6600 MEDICARE	5.0%

PENSION

5.0%

VERSION 1

TOWN OF ACTON
BUDGET PREPARATION

BUDGET % INCREASE ASSUMPTIONS, CONT'D

PROPOSED
1993
3

SEE DETAIL

4 UTILITIES	
8 EQUIP. REPAIR & REPLACE	2.5%
12 INSURANCE, NON-EMPLOYEE	2.5%
16 LEGAL	2.5%
20 SNOW REMOVAL	2.5%
24 INFRASTRUCTURE REPAIR	2.5%
28 SUPPLIES	2.5%
32 GAS & DIESEL FUEL	2.5%
36 OTHER EXPENSES	2.5%
40 BLDG. & GROUNDS MAINT.	2.5%
44 LIBRARY BOOKS	2.5%
46 PRINTING & DISTRIBUTION	2.5%
50 SOCIAL SERVICES	2.5%
54 MIS. CONTRACTS/REPAIRS & SUPPLIES	2.5%
58 EXTERNAL EXPERT ADVICE	2.5%
62 AUDIT	2.5%
64 ADVERTISING	2.5%
68 TRAVEL, LOCAL	2.5%
72 PUBLIC RELATIONS	2.5%
76 TRAVEL, OUT OF STATE	2.5%
80 DEBT REGISTRATION	2.5%
84 VETERAN'S BENEFITS	2.5%
87 DEBT & INTEREST	2.5%
88 RESERVE FUND	2.5%
WARRANT ARTICLES	2.5%

UTILITIES DETAIL

4570 SUPPORT	2.5%
7600 TELEPHONE	2.5%
8200 ELECTRIC	2.5%
8400 FUEL OIL	2.5%
8500 NAT. GAS	2.5%
8700 WATER	2.5%
TOTAL UTILITIES	

5/26/92

them come in in September to meet with the entire board after they have organized the committee.

SELECTMEN'S CONCERNS

Acton Collision Center - The Board met with the owners of the Collision Center and reviewed their financial information. They asked the Board to waive the \$300.00 fee because it was their intention to get all fees waived since the DEP waived their fee and suggested that they approach the Town. Nancy and Dore' were concerned about the outstanding taxes owed and asked if they had a note on the business. They replied that they had no outstanding loans. Nancy inquired why they did not get a note to pay the outstanding balances; they did not reply. DORE' HUNTER moved not to waive the fee, but to ask the Town Manager to work out a fee payment over the next 12 months. NORM LAKE - Second. 4-1 NANCY TAVERNIER OPPOSED.

Eagle Scout- May 23 was taken by Anne. June 20, was taken by Bill.

Historic District and Local Fees - The Board discussed the memo on policy and fees. DORE' HUNTER - Moved to approve the fees recommended by Historic District and the Policy as set forth in the memo of May 22, 1992. NORM LAKE - Second. 4-1 BILL MULLIN No, as he had not had time to review it.

Cerebral Palsy Association - The Board reviewed the request from CPA and decided that they felt uncomfortable participating in Casual Day as it required the employees to pay \$5.00 and did not want to dictate which charity employees would give to. NORM LAKE - Moved to take no action. DORE' HUNTER - Second. UNANIMOUS VOTE

Mandate Relief - Nancy updated the Board on the Mandate Issues. She expressed her frustration that none of the Mandates had made it to the budget. She will contact Sen. Durand to follow-up.

Legal Services Memo - Dore discussed that his policy was to augment the Town Manager's Policy. The Town Manager should work up a policy in writing to fit and interact with the one prepared by Dore'.

Planning Request for Waiver of fees, Lawsbrook Village - The request to waive \$32,000 in filing fees was discussed. Dore' felt negative to waive after reading the memo. We cant start waiving fees especially as our local fees decline and if you do for one, you have to do for all. Anne concurred with Dore' she was concerned it would reduce revenue and set a capital expense priority. She had many questions and would like to respond in writing with the budget as explanation., Nancy reminded the Board we have no capital plans for ball fields currently. DORE' HUNTER - Moved to decline the opportunity to waive the fee and respond to the Planning Board in writing with the decision. NORM

LAKE - Second. UNANIMOUS VOTE. Anne was asked to prepare the notification to Planning.

North Acton Recreation Area - The Board commented on the fine response to EPA. John Murray wanted to let the Board know that David Abbt was the "ghost writer" of this response under Bruce Stamski's signature.

TOWN MANAGER'S CONCERNS

The Board adjourned 11:00 P.M.

Clerk

Date

Christine Joyce
Recording Secty.
cmjW11-(245)

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

5/26/92
(8)

DATE: 5/22/92

TO: Board of Selectmen
FROM: John Murray
SUBJECT: Local Fees

As you are aware, Town Meeting on April 6, 1992 unanimously accepted Section 22F of Chapter 40 of the General Laws. This section authorizes the Town Boards to fix reasonable fees and charges for most licenses, permits, and other services provided by the municipality. The means for setting these fees and charges is not specifically set in the statute. Therefore, after discussion with Town Counsel, we suggest the following policy:

1. That the Finance Office notify each board and/or committee of which fees are applicable to them and to this specific section of the General Laws.
2. That appropriate staff, after consultation with the Finance Director (which shall include a full cost (labor, benefits, and overhead) analysis), recommend to a board or committee an appropriate fee schedule.
3. That by a recorded vote, the boards and committees should submit a recommendation to the Board of Selectmen.
4. That The Board of Selectmen should by a recorded vote adopt a town-wide "Schedule of Fees".
5. That a waiver of a fee is the sole discretion of the Board of Selectmen (Town Council strongly believes that waivers of fees should not be granted, due to the fact that any waiver appears to arbitrary and capricious. There is no specific law which allows or prohibits the waiver of a specific fee)

Staff believes that we could have a "Schedule of Fees" available for Board of Selectmen action on August 11, 1992. One exception to this policy, for this fiscal year, would be a schedule of fees for the Historic District Commission. Due to the fact that no fee has been established to-date and the building season has begun, I recommend the attached schedule of fees submitted by the Commission for action at your May 26th meeting.

INTERDEPARTMENTAL COMMUNICATION

TO: Don P. Johnson, Town Manager DATE: December 1, 1992

FROM: Roland Bartl, Town Planner *RB*

SUBJECT: Fee Waiver - Common Drive Sp. Permit, 179 Pope Road.

I was surprised by the concern over the fee waiver which the Planning Board granted in the above Common Drive Special Permit. The reason for my surprise was, that until our conversation yesterday I had not been aware of a Selectmen's policy, under which the Planning Board could no longer set fees on its own, nor waive them appropriately.

In the case of this special permit, I was not aware of the Selectmen's policy regarding fees. The applicant had requested that the fee, normally at \$1300.00, be waived or reduced to reflect actual administrative and review costs incurred by the Town. The waiver request was based on the fact that the permit was a legal necessity under the zoning bylaw, even though the driveway already existed and no changes that would require engineering or design review were anticipated or necessary. Staff agreed with this assessment and recommended a fee of \$300.00 based on estimated incurred cost. In my recollection, this is the first fee waiver granted since I work with the Town of Acton.

The Planning Board's filing fees, as they are structured today, reflect as closely as possible the real cost of plan review and administrative processing of an application from start to finish. In setting these fees, we used past experience and we made certain assumptions which are true in most cases, i.e. new, or substantially new construction requiring full scale review, or a linear cost increase with linear increase of road length or lot numbers. However, there are exceptions as in the case above. In such cases, the waiver (or the reduction) of fees, if requested by the applicant, is the mechanism provided in the Planning Board's various permit rules. Under that waiver, the Planning Board can make adjustments that are necessary to keep the filing fee in a reasonable relationship to the review and administrative costs.

Another, reason for a partial fee waiver would be a decision by staff to use outside consultants for review work that is normally performed in house. The partial fee waiver would be equal to the amount of consultant cost. While we have not employed this mechanism so far, it appears that at least the Engineering Department wishes to make use of it more often in the future. This system gives department heads the necessary flexibility to decide the allocation of staff time on a case by case basis depending on the

departmental work load at any given time.

With the Selectmen's policy in place, the system becomes less flexible and more burdensome because additional time will be spent to have waivers approved by the Board of Selectmen. Particularly, with respect to the use of outside consultants, that requirement may create problems due to the legal time constraints under which we operate. In light of the Selectmen's policy, I will in the near future propose appropriate changes to the fee schedule.

xc: Planning Board

[RHB.IDC.92*17]

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: Dec. 1, 1992

TO: Board of Selectmen
FROM: Don P. Johnson, Town Manager
SUBJECT: Vacation Plans

I will be out of town next week. Christine will be able to reach me in San Ysidro, California if the need arises.

I plan to take budget materials with me and review possible "B" Budget scenarios while I am away.

A handwritten signature in cursive script, appearing to read "Don", located below the typed text.

EXTRA INFO. 12/1/92 (10)



Metropolitan Area Planning Council

60 Temple Place, Boston, Massachusetts 02111 617/451-2770

Serving 101 cities and towns in metropolitan Boston

November 30, 1992

TO: Local Elected Officials, Managers and Administrators
FR: Marjorie A. Davis, President
RE: Transportation Funds and Projects

I wrote to you on November 18, 1992 informing you that the state transportation agencies were recommending the transfer of federal and state highway construction funds to transit projects. With that letter I provided a memorandum (dated November 17, 1992) to Richard Taylor, title "Proposed Actions on ISTEA Utilization" and a resolution adopted by the MAPC Executive Committee (dated November 17, 1992).

I noted in my letter that I abstained from voting for the transfer because we did not have time to consult with member communities, nor did we understand the impact on the highway projects already in the Transportation Improvement Program. I also mentioned that we would host a meeting of local officials within 30 days to discuss the proposed transfer with MBTA and MHD representatives.

A meeting with state transportation officials is scheduled for:

**Friday, December 11, 1992
at 9:30 A.M. (for about one hour)
in the State Transportation Building
2nd Floor Conference Room 2&3**

This is an extremely important meeting for the communities in MAPC. The recommendations may impact projects in your community.

If you have any questions do not hesitate to contact David Soule or Ed Bates at the MAPC office.

*****PLEASE BE SURE THAT YOUR
COMMUNITY IS REPRESENTED*****

MAD/mlm

cc: MAPC Community Representatives
TIP Community Coordinators

Marjorie A. Davis, *President*

Edmund P. Tarallo, *Vice-President*

Richard A. Easler, *Secretary*

Marylou Batt, *Treasurer*

David C. Soule, *Executive Director*

MEMORANDUM

TO: Richard L. Taylor
Secretary

FROM: James Kerasiotes
Commissioner

John J. Haley, Jr.
General Manager

DATE: November 17, 1992

RE: Proposed Actions on ISTEA Utilization

The purpose of this memo is to set forth a policy which achieves the shared objective of the EOTC, the MBTA and the Massachusetts Highway Department to ensure a balanced transportation investment pattern for the Commonwealth of Massachusetts. Specifically, we propose that you notify the MPO at the November 19, 1992 meeting of the following policy objectives:

1. To achieve the policy goal of 80% federal funding for the Old Colony Project, a transfer of \$80 million from "flexible" ISTEA categories to the Old Colony Project is recommended.

Achievement of this goal would enable the MBTA to fund the Roxbury Replacement Trackless Trolley Project and other infrastructure reinvestment needs.

2. To ensure consistent standards of safety and productivity for all bridges that are owned by either the MHD or MBTA, the state should proceed with a financially integrated bridge program. This

should result in the availability of approximately \$45 million in Bridge funds to the MBTA FY93-95.

3. To enable the MBTA to meet its capital obligations as well as plan-out its five-year capital strategy, we recommend the establishment of a policy minimum threshold of \$120 million of ISTEA transfers to transit for the combined FY96-97 allocations.
4. The MHD and the MBTA will initiate a new joint-planning effort to address local and regional access and congestion issues such as those presently affecting suburbs west of Boston.

We recommend that the MPO vote on the above-noted policy guidance and request that the MHD and the MBTA report back with a proposed joint amendment to the Metropolitan Boston TIP within thirty days and present an impact analysis of the proposed amendment-recognizing that the analysis presented may require certain changes among these policy objectives. The recommendations of MHD and the MBTA will be developed so as to ensure that an optimal mix of funds is available to the state's bridge and road rehabilitation needs while addressing the stated shared objective.

It is further expected that the flexibility recommendations made will identify specific ISTEA categories from which the funding will be allocated to satisfy these shared objectives.

INTERDEPARTMENTAL COMMUNICATION

TOWN MANAGER'S OFFICE

DATE: 12/1/92

TO: TOWN MANAGER

FROM: CHRISTINE JOYCE

SUBJECT: ADDITIONAL INFORMATION REGARDING DOG HEARING

I have attached a copies of the 1991 and 1992 Kennel Licenses issued to Sam Sawyer by the Town Clerk's office. Please note that the 1992 license was issued on November 30, 1992.

Additionally, in conversation with the Clerk's office it was mentioned that when the census form was returned for 1992, the occupants of 41 Minuteman Road had NO DOGS -(Copy Attached). After reviewing the Log entries attached with the Complaint, the complaints for 1992 resumed in April of 1992.

As of this writing, Connie has been unable able to reach the Canine Director at the Middlesex County Commissioners Office for clarification regarding the sentence in MGL 140 section 157 ", including an examination on oath of the complainant...". However, she feels that no swearing in would be needed. I suggested she contact Boxboro to see what they do since I have read in the paper that they seem to have a fair number of Dog Hearings. The Town Clerk in Boxboro has informed Connie that they have never had her swear anyone in prior to testifying.

1992

Commonwealth of Massachusetts

County of Middlesex

Peter

This is the clerk's record of license issued, as required by law.
To be filed in binder and kept as the official record of the city or
town clerk, STUBS to be returned to the county treasurer.

1992

00011

C. D. Huber

CLERK

KENNEL

FOUR DOGS OR LESS

\$ 26.00

Date

11/30/92

Tag No.

X - 11

Issued to

#1 Monticmore Rd

Address

Sam Sawyer

Issuing Clerk

C. D. Huber

Other Data

M. Rocco - 11/3/95
F. Rocco - 11/3/95
Rocco

\$ KENNEL \$

1991
Dog License

Commonwealth of Massachusetts

County of Middlesex

Acton

This is the clerk's record of license issued, as required by law.
To be filed in binder and kept as the official record of the city or
town clerk, STUBS to be returned to the county treasurer.

1991

00112

C. O. Huber

CLERK

KENNEL

FOUR DOGS OR LESS

\$26.00

Date 5/30/91 Tag No. X12

Issued to Sam Sawyer

Address 41 Tilden Road
263-2063

Issuing Clerk CP
11/30/92 Huber - Rattelle

Other Data 6/6/92 Rattelle " "

TOWN CLERK'S RECORD

\$ KENNEL \$

+10.00 late fee

**TOWN OF ACTON**

TOWN CLERK'S OFFICE

TOWN HALL

ACTON, MASSACHUSETTS 01720

TELEPHONE: 264-9615

1992 ANNUAL TOWN CENSUS

41 MINUTEMAN ROAD

PLEASE RESPOND IMMEDIATELY

PRECINCT

2

RENEW DOG LICENSES JAN. 1

NO. OF DOGS AT
THIS HOUSEHOLD

INFORMATION AS OF JANUARY 1, 1992

OFFICE USE ONLY	① C	② S	NAME LAST FIRST MIDDLE	SEX	DATE OF BIRTH MO - DAY - YEAR	CITIZENSHIP (IF NOT U.S.)	③ OCCUPATION/STUDENT
	C		SAWYER JOYCE M	F	12/04/1940		SALES REP
			SAWYER MARK S	M	07/08/1967		SALES REP
			SAWYER SAMUEL G JR	M	06/25/1984		SELF-EMPLOYED

FAMILY CODE CB51402c	STREET CODE MIN10	YOUR ADDRESS LAST YEAR (IF DIFFERENT)
-------------------------	----------------------	--

WARNING: FAILURE TO RESPOND TO THIS MAILING MAY RESULT IN REMOVAL FROM THE VOTING LIST, COMPLETION OF THIS FORM DOES NOT REGISTER YOU TO VOTE.

TO: SAWYER JOYCE M
OR CURRENT OCCUPANT
41 MINUTEMAN ROAD
ACTON, MA 01720

Joyce M Sawyer 263-2063 1-7-92
SIGNATURE OF RESPONDENT TELEPHONE DATE
SEE REVERSE SIDE FOR INSTRUCTIONS FOR COMPLETING THIS FORM.

File

DECEMBER 11, 1992

TO: Board of Selectmen
FROM: NANCY TAVERNIER, Chairman
SUBJECT: SELECTMEN'S REPORT

#####

AGENDA

ROOM 204

7:30 P.M.

DECEMBER 15, 1992

I. CITIZEN'S CONCERNS

II. PUBLIC HEARINGS & APPOINTMENTS

1. 7:45 POPE/STRAWBERRY HILL ROAD - Proposed Safety Improvements - Enclosed please find the notice that was published in the Beacon as well as the list of area residents that received it by mail regarding the possible amendments to the Traffic Rules and Orders.
2. 8:30 DOG HEARING CONTINUED - Enclosed please find additional information received regarding the Complaint filed by Mr. & Mrs. Conley relative to Mr. Sawyer's dogs.

III. CONSENT AGENDA

3. Minutes - Enclosed please find meeting minutes of November 10 and 17 for Board approval.
4. Post Office Square - Enclosed please find staff recommendation regarding the acceptance of a \$1,500.00 gift to pay for a traffic signal warrant study from Acton Technology for Board action.
5. Proposed BOS Policy Statement - Enclosed please find the draft policy statement regarding the School alcohol and illicit substance policy for Board action.

IV. SELECTMEN'S CONCERNS

6. 1993 License Renewal - Enclosed please find a list of renewal licenses for the year 1993. In addition, please find a letter from ScupperJack's requesting amendment to their Entertainment License to include dancing for the purposes outlined in their letter dated November 20th.

7. Fort Devens Development Corp. - Enclosed please find a copy of correspondence sent to the Town of Ayer relative to the continuation of discussion from the November 17th meeting.
8. Elizabeth White Fund - Enclosed please find this years list of recipients of the White Fund as recommended by the Trustees or Board action (please note this list is confidential).
9. TAX SPLIT RECONSIDERATION - Enclosed please find a request from the Finance Committee asking the Board to reconsider its recent Tax Classification vote.

V. TOWN MANAGER'S REPORT

10. NESWC REFUNDING - Enclosed please find a copy of the NESWC presentation dated December 4, 1992. John will make a presentation to the Board on Tuesday evening.
11. NESWC ARBITRATION - Enclosed please find two memo's from staff regarding the Arbitration Award and the Financing of that award for Board review.
12. 1993 ANNUAL TOWN MEETING DATES - Enclosed please find staff correspondence regarding the 1993 Annual Town Meeting dates.
13. Amendment to Supplemental Agreement - Audubon Hill - Enclosed please find a correspondence from staff. The Town Manager will seek the Board's direction.

VI. EXECUTIVE SESSION

VII. MEETINGS

VIII. ADDITIONAL INFORMATION

Enclosed please find additional correspondence which is strictly informational and requires no Board action.

IX. FUTURE AGENDAS

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This IS NOT a complete agenda.

Jan 5, 1993 - Class II - Powdermill Sunoco
BOH - Warrant Article Discussion
Jan 19, 1993 - Planning Bd. Warrant Article Discussion

12/15/92

①

TOWN OF ACTON
NOTICE
TRAFFIC IMPROVEMENTS - STRAWBERRY HILL ROAD

The Acton Board of Selectmen have scheduled an informational public hearing on December 15, 1992 at 7:45 P.M. in room 204 of the Acton Town Hall for the purpose of discussing possible safety improvements and measures to reduce traffic on Strawberry Hill Road. Options under consideration include possible amendments to the Traffic Rules and Orders to designate the portion of Strawberry Hill Road between Esterbrook and Pope Roads as One-Way. The public is invited to attend and offer input into this discussion.

ACTON BOARD OF SELECTMEN

310-end

TOWN OF ACTON
INTER-OFFICE COMMUNICATION

TO: Christine

FROM: Betsy

SUBJECT: Abutters - Strawberry Hill Road - One Way

DATE: December 3, 1992

<u>MAP/PARCEL</u>	<u>OWNER</u>	<u>ADDRESS</u>
E40 061 000	Claude Miguel	5 Strawberry Hill Rd. Acton
062	Jean K. Murphy	7 Strawberry Hill Rd. Acton
E50 020 001	ARB Realty	
	c/o A. Ruggiero	263 Great Rd. Acton
020 002	Metro Realty Trust	
	c/o Thomas Rizzo	9 Wilkins Rd. Amherst, NH 03031
020 003	Parvis Amirhor	50 Strawberry Hill Rd. Acton
020 006	Lawrence Backman	60 Strawberry Hill Rd. Acton
020 007	William Cady	55 Strawberry Hill Rd. Acton
020	George Keramaris	16 Strawberry Hill Rd. Acton
028	Jean K. Murphy	
035	Bobjohn Corp.	P.O. Box 3043, Westford 01886
035 001	Michael A. Fein	29 Strawberry Hill Rd. Acton
035 002	J. Peter Eadie	39 Strawberry Hill Rd. Acton
021	Stephen King	30 Strawberry Hill Rd. Acton
021 001	Robert Whiting	40 Strawberry Hill Rd. Acton
036	Janet Turley	85 Estabrook Road, Acton
044	William Kline	317 Gerard Ave. So. Seaside, New Jersey 08752
044 001	Robert Rosenbaum	73 Strawberry Hill Rd. Acton
044 002	William Kline	
044 003	Stephen Hartwell	79 Strawberry Hill Rd. Acton
014 001	Robert Stout	9 Ladyslipper Lane, Acton
014 002	Vijay Thakur	10 Ladyslipper Lane, Acton
014 003	Susan Benson	8 Ladyslipper Lane, Acton
014 004	Vincent Bastiani	6 Ladyslipper Lane, Acton
014 005	Charles Farrell	4 Ladyslipper Lane, Acton
014 006	Jean K. Murphy	
014 007	Yong Hoon Yun	3 Ladyslipper Lane, Acton
014 008	Charles Johnson	5 Ladyslipper Lane, Acton
014 009	David Oran	7 Ladyslipper Lane, Acton

014 010	Strawberry Hill Farms		
	Homeowners Assoc.	10	Ladyslipper Lane, Acton
014 011	Strawberry Hill Farms		
	Homeowners Assoc.		
029	Hodgson Trust	72	Strawberry Hill Rd. Acton
015	Rosemary Nicholson	76	Strawberry Hill Rd. Concord
015 001	Frank Nicholson	76	Strawberry Hill Rd. Concord
015 002	Strawberry Realty Trust		
	c/o Charles Kadison	79	Great Road, Acton
016	Marguerite Bowen		
	Lowell-Welch & Forbes	45	School Street, Boston 02108
F50 006 000	Bryan Subsick	81	Strawberry Hill Rd. Acton

TOWN OF ACTON POLICE DEPARTMENT
INTER-DEPARTMENTAL COMMUNICATION

12/15/92
(2)

TO: Lt. John T. McNiff
FROM: Det. Todd D. Fenniman TDF
SUBJ: Investigation of Nuisance Dog Complaint M.G.L. 140 S. 157

DATE: December 11, 1992
TIME: 8:07 AM

At the request of the Board of Selectmen and under the auspices of Chief George Robinson and Lieutenant John McNiff, I have undertaken a supplemental investigation into a nuisance dog complaint at 41 Minuteman Road. My investigation encompassed the neighborhood area surrounding the residence of the dogs (41 Minuteman) to a radius of 500 feet and a sampling of houses which were within a 1000 foot radius of the stated residence.

28 homes were in the range of 500 feet from 41 Minuteman Road. After numerous attempts, 19 of these 28 homeowners were interviewed. Of the 72 homes in the 1000 foot radius, a random sampling of 10 homes in each of 4 quadrants (northwest/ southwest/ northeast/ southeast) was conducted.

All parties interviewed were advised of the option of remaining anonymous in their responses. All chose this option. Each home was asked the following:

1. Have you or your family heard dog barking from the residence at 41 Minuteman Road? If so at what time of day? How often?
2. Do you consider the barking to be a "nuisance"?
3. How long have you lived at this address?

Of homes interviewed within the 500 foot radius, 9 stated they had heard barking from the Sawyer's dogs at various times of the day and at various times of year. Of the other 10 homes, 6 stated they have heard barking but could not define whether or not it was coming from the Sawyer residence. Of all positive responses to hearing dog barking in the neighborhood, none could adamantly state that the barking was a "nuisance". 4 families felt

TOWN OF ACTON POLICE DEPARTMENT
INTER-DEPARTMENTAL COMMUNICATION

hat at times when the dogs were loose they became a danger and a nuisance but these occurrences were rare. One house in very close proximity stated that they had no problems with the Sawyer's dogs or their barking. 3 other homes stated that the problem was worse 1 or 2 years ago but has improved. Several surmised that a reason the dogs bark so much is because they are penned up. The average length of ownership of homes interviewed was 14.3 years.

A sampling of homes was conducted in the 1000 foot radius using the same questions. 10 homeowners were interviewed. 2 expressed frustration over barking dog problems and nuisances but neither could attribute this to the Sawyer dogs. 8 others have heard various barking dogs but felt they were within the neighborhoods and not the Sawyer dogs. The average length of ownership of homes interviewed in this radial area was 8.3 years.

In summation, while numerous people stated they have heard barking dogs in the "Sawyer neighborhood", none interviewed felt they were a nuisance although some expressed displeasure with them previously. None of the parties interviewed felt that the Sawyer's dogs barking was a "chronic" problem. The barking, when noted, occurred at no constant time or similar time of year. 7 homes which were also within 500 feet of the Sawyer home were not able to be interviewed. Several expressed fears of the dogs being loose or vicious, but stated these occurrences are rare. Those homes further than 500 feet away from 41 Minuteman but within 1000 feet could not attribute neighborhood dog barking to the Sawyer's dogs. All families interviewed were offered anonymity and chose to remain this way. Many expressed empathy for the Conley's situation and several stated if their home was directly behind the Sawyer's, they too may have been forced into filing similar complaints. A majority stated that their homes were situated differently than the Conley's and this may attribute to their lack of hearing the dogs barking. 3 out of 4 homes interviewed were aware of the complaints relative to the Sawyer's dogs due to reading about it in the paper and by viewing the Board of Selectmen meeting on television.

TOWN OF ACTON POLICE DEPARTMENT
INTER-DEPARTMENTAL COMMUNICATION

TO: Lt. John T. McNiff DATE: December 11, 1992
FROM: Det. Todd D. Fenniman TIME: 9:50 AM
SUBJ: Street listings in radial distances from 41 Minuteman Road

The following is a list of properties which fall within a 500 foot radius of 41 Minuteman Road:

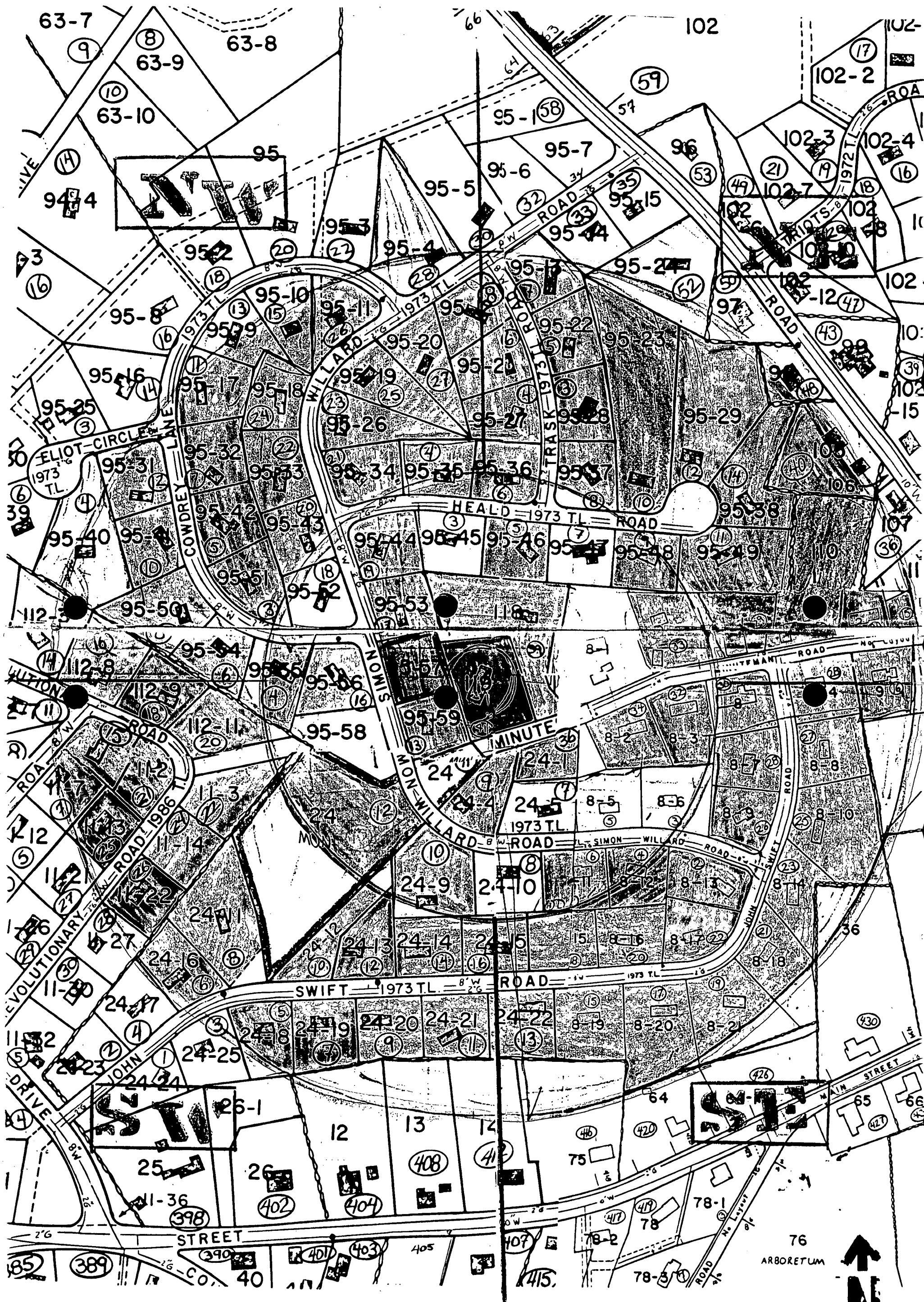
Simon Willard Road	#3 to #19
Minuteman Road	#32 to #41
Heald Road	#3 to #6, #7, #9

The following is a list of properties which fall within a 1000 foot radius of 41 Minuteman Road:

Minuteman Road	#15 to #41
Heald Road	All residences
Trask Road	All residences
Newtown Road	#34 to #52 (even #'s)
Simon Willard Road	#2 to #28
John Swift Road	#5 to #28
Cowdrey Lane	#3 to #12, #13, #15
Eliot Circle	#4
Revolutionary Road	#14 to #26

houses interviewed with 500' radius

houses within 1000' radius



12/15/92

12-8-92

②

To: Board of Selectmen & women

From: Kathleen Conley

Toward the end of the meeting my husband and I got a feeling that there was an emphasis on bringing the dogs in at night.

It is difficult to be awoken during the night or early morning, but we find it even more difficult when we cannot carry on with our daily routine from approximately 3:00 p.m. to 7:00 p.m. ^{later} (in the summer, the dogs are often left in the pen well into the evening).

The night problem is sporadic, the daytime problem is almost a daily frustration. Another pattern is when the dogs are left out in the pen and no one is home, they seem to get very agitated when no one responds to their barking so they get louder and louder. We have noticed this seems to happen in late afternoons, Friday nights and weekends, long holiday weekends have been pretty bad at times. It

is frustrating for us because when we call the APPL they state there is nothing they can do, with no one at home.

My husband suggested some training or device that would aid in controlling the barking. Mr. Sawyer stated that "he didn't want them to stop barking. It is apparent when you look at the location of the pen, directly overlooking our yard, that the dogs consider our yard there property or territory, this is why we cannot use our yard for entertaining or at times just for our own enjoyment. We realized when we got home that the odor problem was not addressed. This is also heightened by the fact that the pen is so close to our property.

12/15/92

cc: BOS

Dec. 8, 1992

②

To whom it may concern,

I am volunteering a point of view in the "dog" case of James and Kathleen Conley. First, I have owned and trained Retrievers for 12 years. I am a member of several dog clubs and a Rescue group. I did dog foster care for the Rescue group for 4 years during many neglected, abused & just unwanted dogs living with us. I am a highly respected trainer and have taught classes for my

Club.

Many times when I picked my daughter up at the Conleys' house I remarked at the plight of those Rottweilers living behind them not to mention how the Conleys could stand that constant noise. As a responsible dog owner I would never place my kennel that close to a neighbor or at least I would screen it to prevent the dogs barking at everything they see - which is quite natural. Responsible dog owners will go to great lengths not to have their dogs bother anyone.

From the dogs point of view
I find it disturbing that they are
~~are~~ kennelled for so many hours—
why have them at all? Dogs bark
because they are hungry, bored
or uncomfortable - that is how they
communicate. To cease the barking
through the use of a "bark collar"
does not get to the root of the
problem. Granted, some dogs do
have a barking problem to which
these collars are indeed useful
but in this instance I believe
other changes must also take
place.

Finally, I have come forward because I think this gives all dog owners a bad name and I feel this is not typical behavior of "dog people." However, I also don't want my name used if at all possible because I feel uneasy about the safety of my ~~pub~~ property. I would be happy to discuss this matter if need be.

Respectfully,

Gail G. Beran

Actor, MA.

264 -0269

TOWN OF ACTON POLICE DEPARTMENT

INTER-DEPARTMENTAL COMMUNICATION

12/15/92
②

TO: Chief Robinson

DATE: April 24, 1991

FROM: Lt. McNiff

TIME: 8:15 AM

SUBJ: Sawyer Dog Complaints/Actions of Dog Officer

As per your instructions I required Les Boardman, Dog Officer to submit a report to me rel his actions in dealing with the dogs owned by Sam Sawyer, 41 Minuteman Rd. Attached is said report.

As you can see, the Sawyers have been making an attempt to work with Boardman in as much as having purchased an invisible fence, though it is not clear that it has been installed yet. Boardman has told Sawyer not to leave the dogs out when they are away because they bark and cause a disturbance in the neighborhood. They have also been advised not to let them run free as they intimidate people due to their aggressive nature and the fact that they are a breed of pit bulls which, in itself, seems to trigger fear in some people. There was one reported biting in December of a woman on a bicycle but I tend to think this was because the dog though large, was a still a puppy. I believe the bite did not break the skin nor require treatment. The last complaint and citation was issued a month ago on March 25, 1991. This is not to say that the problem has gone away but they are apparently making progress.

April 23, 1991

To: Lt. McNiff - Town of Acton

Re: Dog Officer's Report on Sam Sawyer
of 41 Minuteman Rd., Acton

I have issued two tickets to Mr. Sawyer on 3/5/91 and 3/25/91. I will continue to issue tickets for violation of the Acton Town Bylaws in the future should complaints be received. In the present time frame the Sawyer's appear to be making an effort relative to their dog(s) situation. They have informed me that they purchased an invisible fence, which to my knowledge has not been installed yet. They are supposed to be keeping the dogs in and are not leaving them out to bark when they are away. Future actions will tell the story. Any person (s) may under chapter 140 section 157 "Vicious or Barking Dogs" law; write to the Town Selectmen and request that a hearing take place to enable such Selectmen to take action on such a matter. I have received twelve calls in the past 6 months relative to the Sawyer dog(s). Residents who have expressed a complaint in the past have been less than willing to allow their name to be used or witness any Bylaw Violations.

Regards,

Leslie E. Boardman
Town of Acton - Dog Control Officer

defense of such action; provided that in the case of an officer employed by the commonwealth the settlement or defense of such case shall have been made by the attorney general, and that in the case of an officer employed by a city or town such settlement or defense shall have been made by the city solicitor or town counsel or by an attorney legally employed for the purpose by a city or town.

Sec. 156. Any person may kill dog, when. Any person may kill a dog which suddenly assaults him while he is peaceably standing, walking or riding outside the enclosure of its owner or keeper; and any person may kill a dog found out of the enclosure of its owner or keeper and not under his immediate care in the act of worrying, wounding or killing persons, live stock or fowls, and if any person shall kill or attempt to kill a dog so found, and in the act of worrying, wounding or killing persons, live stock or fowls, he shall not be held liable for cruelty to the dog unless it shall be shown that he intended to be cruel to the dog, or that he acted with a wanton and reckless disregard for the suffering of the dog. Prompt killing of a wounded dog, or a prompt report to the owner or to a dog officer of the wounding of the dog, shall be considered evidence of sufficient regard for the suffering of the dog.

Sec. 157. Vicious or barking dogs. If any person shall make complaint in writing to the selectmen of a town, the chief of police of a city, or the county commissioners, that any dog owned or harbored within his or their jurisdiction is a nuisance by reason of vicious disposition or excessive barking or other disturbance, or that any such dog by such barking or other disturbance is a source of annoyance to any sick person residing in the vicinity such selectmen, chief of police or county commissioners shall investigate or cause to be investigated such complaint, including an examination on oath of the complainant, and may make such order concerning the restraint or disposal of such dog as may be deemed necessary. Within ten days after such order the owner or keeper of such dog may bring a petition in the district court within the judicial district of which the dog is owned or kept, addressed to the justice of the court, praying that the order may be reviewed by the court, or magistrate thereof, and after such notice to the officer or officers involved as the magistrate deem necessary the magistrate shall review action, hear the witnesses and affirm such

order unless it shall appear that it was made without proper cause or in bad faith, in which case such order shall be reversed. Any party shall have the right to request a de novo hearing on the petition before a justice of the court. The decision of the court shall be final and conclusive upon the parties. Any person owning or harboring such dog who shall fail to comply with any order of the selectmen, chief of police, county commissioners or district court, as the case may be shall be punished by a fine of not more than twenty-five dollars for the first offense and not more than one hundred dollars for a second or subsequent offense.

The act of a dog in attacking or biting another dog or other animal may be made the subject of a complaint under the provisions of this section.

Magistrates shall exercise their authority hereunder subject to the limitations of section sixty-two C of chapter two hundred and twenty-one.

Sec. 158. Killing of vicious dogs. Any police officer, constable or dog officer shall kill a dog which the selectmen of the town, chief of police of a city, or the county commissioners, or, upon review, the district court, shall have ordered to be restrained if such dog is again found outside the enclosure of its owner or keeper and not under his immediate care, and may kill a dog which is living in a wild state.

Sec. 159. Treble damages for damage after notice. If a dog which the selectmen of a town, chief of police of a city or the county commissioners, or upon review, a district court, shall have ordered to be restrained shall wound any person, or shall worry, wound or kill any live stock or fowls, the owner or keeper of such dog shall be liable in tort to the person injured thereby in treble the amount of damages sustained by him.

Sec. 160. Killing of dog known to have done damage unless bond is given. The county commissioners of any county, the mayor of any city, the selectmen of any town, or their agents thereto authorized in writing, may, after written notice to the owner or keeper, enter upon the premises of the owner or keeper of any dog known to them to have worried or killed live stock or fowls, and then and there kill such dog, unless such owner or keeper whose premises are thus entered for the said purpose shall give a bond in the sum of two hundred dollars, with sufficient sureties, approved by the county commis-

July 11, 1991

**Acton Police Department
Incident Statistics**

Thursday 15:34

Selected Incidents from 07/01/1991 00:00 to 07/11/1991 23:59

INCIDENT/ OFFICER/ DISPATCHER	DATE TIME	LANDMARK AND/OR ADDRESS	TYPE DISPOSITION SUPERVISOR	NATURE
I9108527 T.FENNIMAN ALLEN	07/05 20:15	FLINT RD FLINT RD	DISTURBANCE SPOKEN TO NADEAU	LOUD MUSIC
REBECCA TAYLOR FROM 41 FLINT RD REPORTS LOUD MUSIC COMING FROM THE HOUSE ON THE CORNER OF FLINT & SPENCER RD, CAR 24 & CAR 28 SENT, CAR 24 REPORTS PARTY SPOKEN TO, HE WAS PLAYING HIS ELECTRIC GUITAR.				
I9108535 ALLEN ALLEN	07/05 22:10	5 PROSPECT ST	ANIMAL PROBLEM ASSISTED PARTY NADEAU	MISSING DOG
KATHY BOSWORTH 5 PROSPECT ST 263-3513 REPORTS SHE IS MISSING A LAB TYPE DOG, YELLOW WITH NORTH ADAMS TAGS, POSSIBLY THE ONE THAT THE DOG OFFICER PICKED UP EARLIER FROM WINTER ST, DOG OFFICER BEEPED TWICE, NO REPLY. WILL TRY AGAIN IN AM				
I9108534 BROWNE ALLEN	07/05 22:23	41 MINUTEMAN RD	ANIMAL PROBLEM INVESTIGATION NADEAU	BARKING DOGS
MRS. CONNOLLY 15 SIMON WILLARD RD REPORTS THE SAWYER'S DOGS ARE BARKING, SHE THINKS SOMETHING MIGHT BE GOING ON IN THE AREA, CAR 26 & CAR 24 SENT. CAR 26 REPORTS NO ONE HOME, INFO LEFT FOR DOG OFFICER, MRS. CONNOLLY CALLED BACK & SPOKE TO SGT.NADEAU INDICATING SHE WAS VERY FRIGHTENED BY THE DOGS BARKING, CAR 28 CHECKED THE DOGS AND REPORTS DOGS ARE SECURE IN PEN, DOG OFFICER BEEPED TWICE, NO CALL BACK/WILL TRY AGAIN IN AM.				
I9108542 T.FENNIMAN ANTONELLI	07/06 00:42	BICKFORD'S RESTAURA 20 NAGOG PARK DR	DISTURBANCE ASSISTED PARTY NADEAU	POSSIBLE DIST
MGR FROM ABOVE REPORTS RECEIVING PHONE TIP REGARDING A POSS. FIGHT THIS EVE BETWEEN ACTON/WESTFORD YOUTHS AT REST. LOT. CAR 24 SENT TO SPEAK WITH PARTY. CAR 24 REPORTS NO ONE THERE AT THIS TIME. MGR WILL KEEP AN EYE OUT AND CALL IF ANY PROB.				
I9108557 COWAN ALLEN	07/06 12:04	COMMUTER LOT 10 CENTRAL ST	ANIMAL PROBLEM GONE ON ARRIVAL ROGERS	TRAIN HIT DOG
MR. GALE FROM AMTRACK (617) 722-3628 REPORT ONE OF THEIR TRAINS JUST HIT A DOG BETWEEN MARTIN ST & THE TRAIN STATION. CAR 24 SENT, CAR 24 REPORTS NOTHING FOUND, CHECKED FROM THE TRAIN STATION UP THE TRACKS TO CENTRAL ST.				
I9108576 T.FENNIMAN HOWE	07/06 21:04	30 HILLCREST DR	DISTURBANCE GONE ON ARRIVAL ROGERS	FIREWORKS
MR KING REPORTS FIREWORKS AT THE END OF HILLCREST DR. CAR 26 SENT NOTHING HEARD				
I9108580 T.FENNIMAN ANTONELLI	07/06 23:25	13 MAIN ST	DISTURBANCE ARREST MCPADDEN	DOMESTIC
R/P STATES A LARGE DOMESTIC/FIGHT AT ABOVE LOCATION. CARS 28,26,24 AND 25 SENT. PTL S.FENNIMAN(CAR 23) AND PTL COONEY (CAR 27) AND MAYNARD UNIT ALSO RESPONDED. CAR 28 AND 25 REPORT THEY ARE COMING IN WITH(2) FEMALES UNDER ARREST. CAR 28 STARTING MI.=49,436 ENDING=49438/CAR 25 STARTING MI=10138, ENDING=10139.9. SEE				

July 11, 1991

**Acton Police Department
Incident Statistics**

Thursday 15:34

Selected Incidents from 07/01/1991 00:00 to 07/11/1991 23:59

INCIDENT/ OFFICER/ DISPATCHER	DATE TIME	LANDMARK AND/OR ADDRESS	TYPE DISPOSITION SUPERVISOR	NATURE
I9108333 T.FENNIMAN HOVE	07/01 21:19	NAGOG WOODS GREAT RD	DISTURBANCE GONE ON ARRIVAL MCPADDEN	DISTURBANCE
		MR GHANGI REPORTS GROUP OF YOUNG KIDS RUNNING AROUND COMPLEX MAKING NOISE. CAR 26 SENT. CHECKED AREA. GOA		
I9108344 RENTSCHLER TAYLOR	07/02 02:08	SIMON WILLARD SIMON WILLARD	ANIMAL PROBLEM GONE ON ARRIVAL NADEAU	BARKING DOG
✓		MS CONNELLY 15 15 SIMON WILLARD COMPLAINS OF BARKING DOGS IN THE AREA. C-23 SENT. C-23 REPORTS HE PATROLED THE AREA FOR 10 MINS, NOTHING HEARD.		
I9108393 PREHL TAYLOR	07/02 23:53	32 CONCORD RD	ANIMAL PROBLEM ASSISTED PARTY NADEAU	BAT IN HOUSE
		MS GROSS 32 CONCORD RD REQUESTS ASSISTANCE WITH A BAT IN HER HOUSE. C-27/28 SENT. BAT REMOVED.		
I9108402 PREHL TAYLOR	07/03 03:22	187 GREAT RD	DISTURBANCE ASSISTED PARTY NADEAU	UNKNOWN PROBLEM
		DEBBIE RODER 187 GREAT RD REPORTS A WOMAN SCREAMING IN THE HALL WAY FOR HELP. UNKNOWN PROBLEM. CARS 27/23 SENT. C-27 REQUESTS 9 ON MA 965AVW REG'D TO GEORGE J BOTELEHO 13 CUTTER ST SOMERVILLE MA 02-10-71 017583882. NEG/ACTIVE C-27 ENROUTE TO STATION WITH 2 FEMALES TO MAKE A CALL FOR A RIDE. START MI 29413.4 ENDING MI 29415.2 NOREEN DOHERTY 4 EARL AVE MEDFORD MA 11-01-71 617-396-2561 / SHIELLA MCCREEDY 110 FELLSWAY WEST MEDFORD MA 02-24-65 617-395-4630		
I9108423 ALLEN ALLEN	07/03 14:44	8 JUNIPER RIDGE RD	ANIMAL PROBLEM ASSISTED PARTY RHODES	MISSING DOG
		JOHN BOYLES REPORTS HIS DOG MISSING, BLACK MIX BREED. DOG OFFICER FORM FILLED OUT.		
I9108427 GOODMAN HOVE	07/03 16:17	29 AGAVAM RD	DISTURBANCE SPOKEN TO ROGERS	FIREWORKS
		ANONYMOUS CALLER RPEORTS FIREWORKS COMING FROM 29 AGAVAM RD CAR 24 SENT. SPOKE WITH FATHER, HE WILL TAKE CARE OF SAME		
I9108431 HOVE HOVE	07/03 19:29	ACTON WOODS PLAZA 340 GREAT RD	ANIMAL PROBLEM ASSISTED PARTY ROGERS	FOUND DOG
		MERRIWEATHER & WILLIAM REPORTS THEY HAVE A GERMAN SHEPPARD THAT HAS BEEN HANGING AROUND ALL DAY, SAME IS CONFINED, DO PAGED AND IN ROUTE		
I9108437 T.FENNIMAN VE	07/03 21:26	13 MAIN ST	DISTURBANCE GONE ON ARRIVAL ROGERS	FIREWORKS
		ANONYMOUS CALLER REPORTS FIREWORKS IN THE AREA. CAR 26 SENT NOTHING HEARD		

Emerson
Hospital12/15/92
263-4979 (2)
Pat PalmerOld Road to Nine Acre Corner
Concord, MA 01742-4166
(508) 369-1400

NOTIFICATION OF ANIMAL BITE

COPY

PATIENT'S NAME: Sawyer, Samuel
ADDRESS: 41 Minuteman Rd
TOWN: Acton STATE: Ma ZIP: 01720
AGE: 36
SITE OF INJURY: Left
TYPE OF ANIMAL: dog
OWNER OF ANIMAL: Self
ADDRESS: _____
TOWN: _____ STATE: _____ ZIP: _____

POLICE NOTIFIED? YES ☒ NOBOARD OF HEALTH NOTIFIED? YES ☒ NO

Thank you,

Emerson Hospital
Emergency Department
Concord, MA 01742
(508) 369-1400, ext. 413DATE: 7-20-90{FMS1} ANIMBITE
3/14/90

12/15/92
(8)

ORDER OF QUARANTINE

Original delivered to SAM SAWYER7/6 1990Duplicate mailed to D. A. H. 7/6 1990Triplicate posted on premises, 19Animals (number and kind) 1 dogDisease suspected, RabiesRemarks, Bit Connolly40 Newton RdActonThe Commonwealth of Massachusetts
DEPARTMENT OF FOOD & AGRICULTURE
DIVISION OF ANIMAL HEALTH

ORDER OF QUARANTINE

(Chapter 129, General Laws, T. E.)

FOR ANIMALS UNDER SUSPICION OF HAVING A CONTAGIOUS DISEASE

Town or City of Acton Date July 6 1990To SAM SAWYER owner, person having an interest in, or person in charge
You are hereby notified, that by virtue of the powers and authority vested in me by law, I have quarantined
upon premises of SAM SAWYER on 41 Montserrat Street(NUMBER AND KIND)
1 dogunder suspicion of having the disease known as Rabies a contagious disease under the law.
You and all other persons whom it may concern are hereby forbidden to remove the same from said place of
quarantine for any purpose whatever, except by permission of the Director of Animal Health or his authorized
agent.

Inspector of Animals

TRIPPLICATE
(to be posted
on the premises)

TO

ACTON POLICE DEPT

FROM

14:37

DEC-09-1992

ORDER OF QUARANTINE

Original delivered to SAM SAWYER
12/19 1990

Duplicate mailed to D. A. H. 19

Triplicate posted on premises, 19

Animals (number and kind) ONE dogDisease suspected, RABIESRemarks, BIT SUE KALLAS
4 HEARD ST ACTONThe Commonwealth of Massachusetts
DEPARTMENT OF FOOD & AGRICULTURE
DIVISION OF ANIMAL HEALTH
ORDER OF QUARANTINE

(Chapter 129, General Laws, T. E.)

FOR ANIMALS UNDER SUSPICION OF HAVING A CONTAGIOUS DISEASE

Town or City of ACTON Date 12-19 1990
To SAM SAWYER owner, person having an interest in, or person in charge.
You are hereby notified, that by virtue of the powers and authority vested in me by law, I have quarantined
upon premises of SAM SAWYER on 41 Minuteman dr. Street1 dog
(NUMBER AND KIND)under suspicion of having the disease known as RABIES a contagious disease under the law.

You and all other persons whom it may concern are hereby forbidden to remove the same from said place of quarantine for any purpose whatever, except by permission of the Director of Animal Health or his authorized agent.

Inspector of Animals.

(SEE OTHER SIDE)

ORDER OF QUARANTINE

Original delivered to Sam Sawyer
7/28 1990Duplicate mailed to D. A. H. 8/7 1990

Triplicate posted on premises, 19

Animals (number and kind) 1 dogDisease suspected, RabiesRemarks, Bit Lettice Kenna
Franklin MAThe Commonwealth of Massachusetts
DEPARTMENT OF FOOD & AGRICULTURE

DIVISION OF ANIMAL HEALTH

ORDER OF QUARANTINE

(Chapter 129, General Laws, T. E.)

FOR ANIMALS UNDER SUSPICION OF HAVING A CONTAGIOUS DISEASE

Town or City of Acton Date July 28 1990
 To Samuel Sawyer owner, person having an interest, or person in charge
 You are hereby notified, that by virtue of the powers and authority vested in me by law, I have quarantined
 upon premises of Samuel Sawyer on 41 Main Street
One dog
 (NUMBER AND KIND)

under suspicion of having the disease known as Rabies a contagious disease under the law
 You and all other persons whom it may concern are hereby forbidden to remove the same from said place of
 quarantine for any purpose whatever, except by permission of the Director of Animal Health or his authorized
 agent.

Form 38, 600 books 6-82-1029-3


TRIPPLICATE
 (to be posted
 on the premises)

(SEE OTHER SIDE)

12/15/92
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TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: 12/8/92

TO: The Board of Selectmen
FROM: John Murray 
SUBJECT: The Sawyer Dog Complaint

Mr. Indy Pommers of 8 Larch Rd. called the Selectmen's Office on December 7, 1992, after reading the story in the Beacon, to provide the Selectmen with the following information:

Mr. Pommers and his wife were hiking the Issac Davis trail in mid-October when they were set upon by two Rottweilers from 41 Minuteman Rd. They barred their teeth and maintained an attack stance. Mr. Pommers was frightened by the posture, the barring of teeth and growling that he positioned his body between the dogs and his wife. A young man was calling from the back yard of 41 Minuteman Rd. for the dogs to return and after a few minutes the dogs did so. Mr. Pommers strongly believes that if a child had been on the trail or an adult whose fear could be sensed by the dogs would have been attacked. Further, he is concerned by the attitude of the young man. He feels that the young man should have come to the trail and physically restrained the dogs. Also he believes the young man should have apologized for the incident, rather than ignoring Mr. and Mrs. Pommers and deciding to continue to play with the dogs in the back yard of 41 Minuteman. Mr. Pommers also believes that the dogs represent a real safety threat to the community.

12/15/92
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**SELECTMEN'S MEETING
NOVEMBER 10, 1992**

The Board of Selectmen held their regular meeting on Tuesday, November 10, 1992, present were Nancy Tavernier, Dore' Hunter, Norm Lake, Anne Fanton, William Mullin, and Town Manager Johnson

CITIZENS' CONCERNS

None expressed.

PUBLIC HEARINGS AND APPOINTMENTS

**BOSTON EDISON
LOT A HIGH STREET**

NORM LAKE - Moved to approve the hook-up. ANNE FANTON - Second. UNANIMOUS VOTE.

**BOSTON EDISON
LOT D HIGH STREET**

DORE' HUNTER - Moved to approve the hook-up. ANNE FANTON - Second. UNANIMOUS VOTE.

CONSENT CALENDAR

The Board approved the Consent Calendar with number 6 pulled. DORE' HUNTER - Moved to accept with Number 6 held for discussion. ANNE FANTON - Second. UNANIMOUS VOTE.

The Board discussed number 6, fence at 103 Arlington/Charter Road. Anne was concerned about precedent of the fence in the right of way. She felt the fence might impede future sidewalk construction. Anne wanted to make the motion to ensure sufficient room for sidewalk installation at a latter date. Don said we could shoot some grades and will talk to the Engineering Department about this and alternative installation methods such as using larger/higher posts or more grading. Bill asked if it were to be recorded with the deed. Don felt probably not. DORE' HUNTER - Moved to grant permission subject to caveats set forward in the memo. Staff to fix set backs from public way for sidewalk to be installed at later date. NORM LAKE - Second. UNANIMOUS VOTE.

TAX CLASSIFICATION HEARING

The Chairman read the notice of the meeting, explained the process and introduced speakers. The process would be that the Board of Assessors would make their presentation, the Selectmen would ask questions and then the public would be invited to comment. Jim Kontanchic spoke about the different opportunities available to the selectmen under the law regarding the various

classifications of land. He went through the prepared handout explaining the various options available such as Residential Splits, commercial splits and Open Space Discounts. Nancy asked about the percent change between the numbers presented by the Assessors and Roy and John. Jim deferred to John as he had prepared the numbers she referred to.

Paul Wexleblat asked for clarification on the shift percentages.

Madelene Rodgers - Asked the Board to consider Development of a partnership between residents and commercial. She urged the end to adversarial positions. Richard Pansire spoke for the Chamber regarding the programs that the Chamber provides to the citizens of Acton.

William Lawrence, Chamber member outlined the frustration experienced because of the split by commercial and personal property owners. He felt this has caused the cost of doing business in Acton to be higher and infact these costs could be handed on to the residents. They want to get into a partnership with the Town and hope that the Town won't send a message of anti-business to them by continuing the split rate.

Anne Fanton thanked Mr. Lawrence and the Chamber for their participation on the MPCC. Bill agreed it was a very useful endeavor.

DORE' HUNTER - Moved to take the matter under advisement and to continue to November 17 at 7:35, and to state at that meeting that the vote may be postponed to a Special Meeting on the 24th.
NORM LAKE - Second. UNANIMOUS VOTE.

COMMUTER LOT

Norm outlined his response to the prepared study by Vaness and Nancy's prepared alternative. Nancy further spoke about her review and ultimate proposal to address the commuter lot. She has combined several options. Nancy felt we needed to continue to open it up to all people, but that we didn't have to. She wanted all funds generated to remain on the townside. It was noted the 2/3 of the lot should be retained and reserved for town residents, with a sticker to be issued to use the reserved area. These stickers are to be sold from the Police Station at a rate to be determined, \$10-25 per year, obtainable only with identification and placed in an area on the vehicle to be determined by staff. The remaining 78 spaces will be available to everyone else via meters for which the money collected will be put into a Parking Meter fund to fund the operation of the lot. It was further noted that no permit or meter deposit would be made for those parking after 12:00 P.M. Staff will decide on who and when the money from the meters will be collected and the

money will be used to further expand the lot as it is received. She thought the program could be in place by January 1st. Parking on side streets will have to be addressed. Dore' thought the plan was very well thought out by Nancy. DORE' HUNTER - Moved to adopt Nancy's proposal with staff to bring back pricing info for residential stickers. NORM LAKE - Second. UNANIMOUS VOTE.

SELECTMEN'S CONCERNS

4-WAY STOP PARKER HIGH - Anne asked to discuss the 4-way stop at Parker and High Streets. She was concerned about the recommendation to ask Sweeney to move the stonewall and trees. She felt that other options should be reviewed before we took such invasive action. She referred to the Master Plan Summary of community meetings which noted the importance of retaining the character of the Town etc.. rural road areas and arching trees. Residents were concerned about the trade offs that were to be made to obtain safety changes. Anne asked the Board to think about trade-offs before we sent off recommendations to landowners for action. She felt the Board should look into the situation that required invasive action. She felt the community expected its review from us. Dore' felt it is a bad intersection, Norm noted it was originally a 4-way stop. He felt that it is a speeding problem on High Street that adds to it. Nancy did not want to see a 4-way because people would not know how to proceed. Anne felt it could be helpful and we should consider one at Willow/Summer Streets also. It was decided to look at other options. If the landowner leaves the bushes that impede sight of motorist, they incur liability. The Board felt that this was an issue that needed more investigation.

SCHOOL STREET/LAWSBROOK - Dore' discussed the intersection and problems associated with it. He felt that the changes were worthwhile changes and a natural configuration as proposed. Anne felt it was long over due. Bill asked about the cost; it is estimated to cost \$3,000. DORE' HUNTER - Moved to approve the change in the intersection as shown on the plan. NORM LAKE - SECOND. UNANIMOUS VOTE.

MARKET STUDY, SOUTH ACTON VILLAGE - The Village Study Committee is looking for monies to be taken from the Slattery monies. Don wanted to know whether the Board felt this type of expenditure from those funds was proper. Dore' is reluctant to spend the money on this, \$30,000 to find out business won't move in, and doesn't see public benefit. Anne said that the project would be very specific as to what type of business would be attracted. She felt that if the South Acton Village wanted this she felt we should consider. Nancy concurred with Anne. Dore' asked if any other community had prepared such a plan. Anne felt assured that Roland had researched the issue. ANNE FANTON - Moved to approve the expenditure of \$2,000-\$3,000 for development of an RFP for market study for South Acton. NANCY TAVERNIER - Second. Motion passed Norm and Dore' NO.

TOWN MANAGER'S CONCERNS

ACTON CENTER TRAFFIC - Don outlined the proposals and Rolands' plea not to expend Master Plan funds. Anne was pleased with Bruce Campbell's proposal but felt we should not go ahead with this until we make the decision to address the Concord Road area. If we do, she felt we should also look at one other option (like Vanesse Option 2). Dore' thought we should be sure to get comment and reaction before we move on it and to pass it on to the Historic District Commission. He wanted to get some reaction before we fund. Anne wanted to get public input. Bill was philosophically opposed to carving up the common and wanted to be sure this is an area we wanted to fix before we began it.

MAPC - The only real issue is whether we want any thing different in Federal/State funding. John updated the Board on comments made at the recent State-wide Highway Superintendent's meeting. Staff will review and phone in comments to MAPC.

ANNE FANTON - Moved to go into Executive Session for the purpose of discussing Litigation and Contract Negotiations.
DORE' HUNTER - Second. Roll Call taken all Ayes.

The Board adjourned into Executive at 10:45 P.M.

The Board returned to session 11:00.

NESWC - The Board discussed NESWC Representation and approved Don Johnson as Alternate to John Murray for the purpose of Representing the Town on the Advisory and Executive Committees.

NESWC Grantor Change - The Board discussed the recent request for substitution of Grantor. Dore' was troubled by the word "Substantially" in the text of the proposed vote. The Board decided to remove the word from the proposed vote. **DORE' HUNTER** - Moved that the Town hereby authorizes the substitution of Wheelabrator Technologies, Inc. ("WTI") for Allied-Signal Inc. as the guarantor of the performance of Massachusetts Refusetech, Inc. ("MRI") under the Solid Waste Disposal Service Agreement between the Town and MRI. **ANNE FANTON** - Second. **UNANIMOUS VOTE.**

DORE' HUNTER - Moved that upon receipt by the Town of a duly executed guarantee by WTI of the performance of MRI under the Solid Waste Disposal Service Agreement, the Town Manager is hereby authorized to execute and deliver a General Release of Allied-Signal Inc. from its obligations under its guarantee of the obligations of MRI as aforesaid in the form presented at this meeting, provided that such release shall be delivered to WTI and Allied-Signal, Inc. only upon the issuance and delivery by the Town of North Andover of its Resource Recovery Revenue Refunding Bonds to refund the outstanding Town of North Andover Resource Recovery Revenue Bonds (Massachusetts REFUSETECH, Inc. Project), dated February 1, 1983. (Note the word "substantially" has been

deleted from the motion. NORM LAKE - Second. UNANIMOUS VOTE.

ANNE FANTON Moved to go into Executive Session for the purpose of discussing Litigation and Land purchase. DORE' HUNTER - Second. Roll Call taken all Ayes.

Clerk

Date

Christine Joyce
Recording Secty.
cmjW11-(308)

**EXECUTIVE SESSION
NOVEMBER 10, 1992**

NESWC CHANGE OF GRANTOR

The Board discussed the request to change grantors. Dore' expressed concern that the word substantially was used and recommended that it be deleted from the final vote taken. Don further updated the Board on North Andovers latest requests. It appears that NESWC has an 18 million dollar arbitration settlement with MRI. Francis Hopencroft is working with North Andover as a consultant.

DIDUCA LAND

Don Johnson updated the Board on recent conversations with the DiDuca family. Apparently the family is split between what they want to negotiate. They have spent \$100,000. Lou Levine suggested they talk to the Town. They don't understand what we are asking them to do. Don wanted to get the board's feeling, and he doesn't think we have anything to negotiate. It is in the Planning Board's hands, but he wanted to update the Board and get a sense of the Board.

MARSHALL AND WHITTIER LAND

Marshall Land - The attorney for the trust is complaining that the assessment is 1.8 million and they have agreement for 580,000. They can squeeze 8 lots out but the taxes are too high. He alluded to trades with the Town if we give him relief. Don asked that 61A committee look into to see if we can get anything. Anne was not motivated to call the Committee because conservation has not even looked into it. And no one has expressed concern to preserve it, probably since its location is at the fringe of town. Dore' felt it would set a terrible precedent to get involved with assessments on property.

Whittier - The house and 3-4 acres are for sale and the balance of the property will go to wildlife in perpetuity. Don wanted to know if the town was interested. The Board was not interested. Anne said, however, that whenever 61A land is offered to the Town, she felt there should be public notice of the board's intention to vote.

Clerk

Date

Christine Joyce
Recording Secty.
cmjW11-(308)

12/15/92
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SELECTMEN'S MEETING

NOVEMBER 17, 1992

The Board of Selectmen held their regular meeting on Tuesday, November 17, 1992, present were Nancy Tavernier, Dore' Hunter, Norm Lake, Anne Fanton, William Mullin, and Town Manager Johnson

CITIZENS' CONCERNS

None expressed.

PUBLIC HEARINGS AND APPOINTMENTS

CONTINUED TAX CLASSIFICATION HEARING

Nancy gave an overview of what the Board needed to vote regarding classification. Bill Mullin said he felt he would be a swing vote and read a prepared statement outlining his views and this thought process that lead him to his decision. He has decided that the split should be reduced to 7.50% at this time.

Dore' outlined the process as he recalled it from where classification was first put on line. He felt the split should remain at 10%.

Norm's position was to oppose the split because he felt it is unfair and that it should be addressed through the assessing process and wanted to see a shift back towards 0%.

Anne expressed mixed feelings on the issue. She sees both sides and leans toward Norm's view but sees that zoning was a better vehicle to address this. She supported last year but she felt that since 2/3 of the amount of taxes paid goes to the schools she felt it is a cost burden of the residents and should be addressed toward them. She felt a gradual move downward should be considered.

Nancy spoke in favor of the split remaining at 10%. Acton ranks 18 in the state in the amount of taxes paid. She said if we retain the 10% split it would give residents a break and keep the rate increase at 2 1/2% for the first time in years. Nancy urged the Board to vote to retain the 10% split.

BILL MULLIN - Moved to retain the Split Rate at 7.50% with a residential factor of 98.072. **ANNE FANTON** - Second. **NANCY TAVERNIER AND DORE HUNTER** - NO - Motion Passes.

HISTORICAL COMMISSION

Anita Dodson, Robert Rhodes and William Klauer were present to represent the Commission. Anita outlined the duties of the Commission. They hear demolition requests, have held them and are trying to preserve homes, barns and old structures

throughout town. They photograph old homes and are working on the historical assets, including bridges and such. Dore' commented them for their hard work and thanked them for the completeness of their files which assisted the Local Historic District in their task of setting up districts.

AUTO DEALERS OF CONCORD CLASS II LICENSE

The New owners along with the General Manager Mr. Cursoe came before the Board and explained that there would be no difference in the current operations and looked forward to working with the community to retain the operation currently operating. Dore' commented that the new unloading area has been successful and noted the past problems in the area have ceased. They said that they have been working on the site plan with Garry Rhodes and that they too were pleased with the outcome. DORE' HUNTER - Moved to approve the application of Auto Dealers of Concord for a Class II license at 77 Hosmer Street. BILL MULLIN - Second. UNANIMOUS VOTE.

ELIOT COMMUNITY SERVICES

Anne Evans and Harry Johnson, Acton residents and members of the Board, spoke about the functions that Eliot provides. They were concerned about the \$11,000 outstanding invoice. They had performed 6 months of service before the contract was signed and wanted the Town to honor the service. Nancy explained that the contract was to provide services from December 1991 through December 1992. It was unfortunate that they provided the services without a contract during the lapse period but that all the Town had was \$22,000 and the 12 months period would have to be adjusted to reflect that. It appears now that the funding has expired July 1, 1992 and they have continued to provide the service since to the residents from July 1, 1992 to present. They urged the Board to find funding to pay them for the last time they provided services without a contract and to find monies to continue. They asked to be included in the override number.

Don outlined the background of the contract preparation and finalization. Dr. Stern received the contract in August, signed it in the later part of November. He returned it to the Town Offices on December 4th. Don signed it and executed it on December 6, 1991. Nancy explained the Town's position and the lack of funds to continue presently. Dore' thought perhaps we could use end of year funds to pay the balance owed. This may work if we could get around the procurement procedures. Nancy said there is no appropriation in the budget for Eliot Clinic.

ROCK CONCERT REQUEST

The Board received a request for Entertainment permit for a youth concert to be held at the Exchange hall on November 21st. The Police Department and the Town Manager has reviewed this request and met with the youths and parents of the band and feel

that this is a well organized event and it should not impact the area negatively. The staff recommended that one police detail be used to control activities on the outside of the building, and that the 18 adults be the overseers of the inside activities as outlined in the request. The police were told that if it got too rowdy they could bring in additional police personnel. The Board asked that the neighbors be informed of the concert so that they would know the duration of the event. NORM LAKE - Moved to approve with the conditions prescribed by the Town Manager. DORE' HUNTER - Second. UNANIMOUS VOTE.

CONSENT CALENDAR

The Board approved the Consent Calendar. NORM LAKE - Moved to accept the consent calendar as printed. DORE' HUNTER - Second. UNANIMOUS VOTE. Staff was asked to send Mr. Kelley a letter of appreciation for his donation.

SELECTMEN'S CONCERNS

Local Drug and Alcohol Task Force - Nancy asked if any of the Board Members would be interested in participating on the Task Force to review policies at the School and other issues. She anticipated 3-4 meetings per year. Nancy offered to represent the Board. The Police will send their two youth officers also.

Hearthstone Farm - The Board reviewed the memo from the Planning Board asking for Board input on two issues; common land and possible amendments to the Traffic Rules and Orders making a portion on Strawberry Hill Road one-way. The Board upon reviewing the memo from the Planning Board decided to have a public hearing prior to moving forward on making possible changes to the Traffic Rules and Orders. The Board set the date for December 15, 1992 at 7:45. Anne asked that the notice of the informational meeting be worded to encompass the phrase, improve safety on Strawberry Hill Road and to reduce traffic. Dore' asked to have the notice include the possibility on a one-way action by the Board. The Board asked to have the Planning board invited to this meeting.

Regarding the Common Land issue, Dore' felt it would be a good idea if there were no financial impact. They asked to have more detail and a Map available at the next meeting, and clarification on whether we are expected to accept all Common Land.

Coordinating Committee - Nancy updated the board on the recent developments at the coordinating Committee. The split issue is at a stalemate with the Finance Committee supporting the Town side.

Don discussed the Finance collection enhancement program. He has very reluctantly decided that due to the staffing problems he anticipates due to staff resignations and retirements he has to withdraw the proposal; it is too big to attempt and fail. Due to the manpower shortfalls he proposes to pull the original plan and add 2 people to finance just to keep heads above water and to adjust the plan, overlay, free cash to accommodate the change. Dore' felt if staff feels we can't succeed, we should not proceed, clearly, the Board should not ask them to go forward. Nancy would accept the Town Managers recommendation to not proceed, but asked that it be taken out of the plan and some town growth added to accommodate the two additional positions. Bill was upset that the plan could not go forward, but understood staff's position, and urged them to continue to look at it and to pursue it. He felt to defer it to 1995 would have a terrible impact and said he would support this and any plan that could potentially payback in 17 months.

Commuter Parking Lot - The board discussed the cost of the resident sticker. Anne proposed \$25.00 per year for residents. Nancy wanted the program to begin on January 1st. The Meters however, will not be available until February at the earliest. The Board asked staff to make a recommendation as to when to begin the program. DORE' HUNTER - Moved to set the fee charged for resident commuter lot sticker at \$25.00 per year to commence at a date to be determined by staff. NORM LAKE - Second. UNANIMOUS.

Tobacco Bylaw - Nancy asked to have a selectman representative at the November 30th meeting. Norm will attend.

CAC - Anne updated the board on her recent attendance at the CAC meeting. She was held up in traffic and was quite angry when she arrived at the meeting and informed them of the difficulties she had experienced. They told her it was an issue with the contractor. She said they promised to again look at the Concord Rotary. They said that after preliminary evaluation short term solutions would be proposed but they can't change the right of way law.

SPRUCE STREET - Norm asked that staff notify the owner of the car wash that the property is causing water to discharge onto the street and since it has turned colder we will be experiencing freezing conditions.

TOWN MANAGER'S CONCERNS

None expressed.

The Board adjourned at 10:45 P.M.

Clerk

Date

Christine Joyce
Recording Secty.
cmjW11-(310)

12/15/92
(4)

**TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION**

DATE: December 7, 1992

TO: Don P. Johnson, Town Manager
FROM: Garry A. Rhodes, Building Commissioner *GAR*
SUBJECT: \$1500 Gift/Post Office Square

I am in receipt of a \$1500 gift from Acton Technology. It is intended that this money be used to pay for a traffic signal warrant study for the intersection of Post Office Square and Main Street. I would recommend that the Board of Selectmen accept this gift for its intended purpose. I would further recommend that these monies be dispersed at the Town Manager's discretion at the completion of the study. I have enclosed a copy of the proposed elements of the study that was prepared by Vanasse Hangen Brustlin.

ACTON TECHNOLOGY
PARK REAL ESTATE TRUST-STOPLITE
292 GREAT ROAD
ACTON, MA 01720

102

Dec 3 19*92* 53-451/113

PAY
TO THE
ORDER OF

Taxon of Acton

\$ *1500.00*

One thousand five hundred & 00/100

DOLLARS



ACTON • ROXBORO • CONCORD • FREETOWN • STONE • MARLBOROUGH

FOR

Taxic Study

[Signature]

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026

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101 Walnut Street
Post Office Box 9151
Watertown
Massachusetts 02272
617 924 1770
FAX 617 924 2286

November 20, 1992

Ref: 2629.21

Mr. David Abbt
Engineering Administrator
Acton Engineering Department
472 Main Street
Acton, MA 01720

Re: Traffic Signal Warrant Study
Route 27 at Post Office Square

Dear David:

In response to your request, we are herein providing an estimate of costs associated with the conduct of a traffic signal warrant study at the subject intersection. The elements of the study are as defined in your September 30, 1992 letter and include the following:

- Traffic Counts - Automatic Traffic Recorder (ATR) counts on both Route 27 approaches and on the Post Office Square approach for a period of 24 hours. A Manual Turning Movement Count (TMC) will be conducted over a six-hour period including the morning, mid-day and evening peak periods (7-9 AM, 11:30 AM to 1:30 PM and 4-6 PM, respectively). The TMC will include all intersection approaches.
- Delay Study - A vehicle delay study may be conducted at the intersection based upon results of the vehicle counts. The Warrant to which the delay study applies also includes minimum vehicle volumes on both the sidestreet and mainline approaches, and if the volumes are not present, or if another warrant has been satisfied, there is no need to conduct the study.
- Accident Review - Accident data for a two year period, furnished through the Town, will be reviewed for the presence of five (5) or more accidents per year which may have been prevented if a signal were in place.
- Build-Out Analysis - Using Institute of Transportation Engineers Trip Generation data, additional traffic to be generated with a build-out of parcels served by Post Office Square, and full occupancy of the office building opposite Post Office Square will be estimated and added to the collected traffic data.
- Corridor Speed Review - VHB will conduct a vehicle speed study in the Route 27 corridor immediately adjacent to the intersection to determine the 85th percentile vehicle speed. The study, which will be conducted in accordance with Massachusetts Highway Department practices, will be completed during off-peak periods. Note that if the determined speed is in excess of 40 miles per hour, warranting volume levels may be reduced by up to 30 percent in several of the Warrants.



Mr. David Abbt
Ref: 2629.21
November 20, 1992
Page 2

- Warrant Review - A memorandum will be prepared detailing findings of the study.

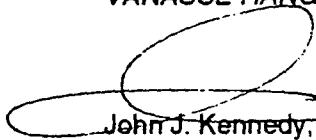
Should signals be found to be warranted, the existing plans for installation will be reviewed with respect to capacity versus demand.

Our fee for the completion of this study is estimated at \$1,500. This includes labor and direct costs. We have assumed one meeting with Town personnel to discuss and review findings.

If this scope and fee are acceptable, please contact us at your convenience. We will forward our standard Authorization Form amending our current traffic engineering services contract for signature referencing this letter. Please call if there are any questions or comments.

Very truly yours,

VANASSE HANGEN BRUSTLIN, INC.



John J. Kennedy, P.E.
Director Traffic Signals

JJK/cec

12/15/92

MESSAGE FROM THE BOARD OF SELECTMEN

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The Board of Selectmen is concerned about the illegal use of alcohol and illicit drugs by many school age children in Acton.

We are aware that the Acton and Acton-Boxborough school personnel are working effectively to educate our children concerning the perils of substance abuse, and know they will continue to do so. The municipal government also recognizes its responsibility in deterring violations of the law and protecting the community from the consequences of youthful substance abuse. Indeed the police department, and particularly its youth officers, work closely with the school administrations in this regard. However, the obligation to lead our children away from the use of illegal substances, and to indoctrinate them in regard to their rights and duties as citizens, is primarily a family responsibility.

Your local school system and government can and will help. However, parents are children's first role models and act to influence their lives over a much longer period than the schools, and certainly in much greater detail than their incidental and hopefully infrequent contact with municipal authorities. We therefore must first look to parents to instill proper values in our children. One recurrent problem, the house party involving alcohol and teen agers, seems particularly subject to parental control, principally by the family owning the house but also, to a lesser degree, by the families of the attendees. We urge parents to actively discourage and avoid such abuses.

In summary the Board of Selectmen supports the school alcohol and illicit substance policy, it is an appropriate and effective teaching tool. We also support and encourage our Police Department's efforts in education and its enforcement of the substance abuse and other laws. We trust, as well, that all parents will support and supplement these governmental efforts.

**NANCY TAVERNIER, Chairman
DORÉ HUNTER
ANNE FANTON
NORM LAKE
BILL MULLIN**

12/15/92

(6)

FOR DECEMBER 15, 1992 SELECTMEN'S MEETING

CLASS II LICENSES

I move we approve Class II Licenses as listed below:

Auto Dealers of Concord Inc., 77 Hosmer Street. Building and Sales room located at 77 Hosmer Street

E.L. Cox Associates, Inc., 77 Hosmer Street. Building and Sales room located at 77 Hosmer Street

School Street Garage, 27R School Street. 1160 sq. ft. building with 750 sq. ft. bldg., hydraulic lift and equipment.

Superior Trading Corp., 790 Main Street, Acton, land of 8/10th of an acre with 100 ft. frontage on Main Street includes gas station, office and shed in rear. Number of cars shall be limited to six the cars to be stored as shown on plan 4 and the business associated with the permit to be conducted by Mr. Wagner and managed in combination with the gasoline station as one operation.

Robert L. Caldwell, d/b/a Coach Auto Sales, 408 Massachusetts Ave. At Foote's Shell station limited to six vehicles. No signs or banners are allowed and no repairs on the second hand vehicles allowed after 6:00 P.M.

B.S.C. Motors of Acton, 362 Central Street. Concrete block and brick face garage building on about 3/4 acre lot with black top parking and auto repair facilities including gasoline storage limited to 4 cars only.

Powdermill Sunoco, 45 Powdermill Road. 200 ft. 100 ft. lot. facing Powdermill Road all paved with 46'x47' building. Restrictions: the number of cares displayed for sale must not exceed six cars in a saleable condition and shall be parked where indicated on the plan dated April 6, 1976.

Joseph M. Britt, d/b/a J&B Sales Co., 796 Main Street, 40,155 sq. ft. lot, frontage on Ledge Rock Way, 453.71 ft. frontage on Route 27, 77.30 ft. 1 bldg. 32.32.10' height, 1 building 10/12.

Gar-Wal Co., 245 Arlington Street, Paved parking lot with a brick bldg. Restrictions: No more than two cars for sale at anytime, license will be automatically revoked.

Anderson Sales, Inc., 56 Powdermill Road, Conditions: Total number of vehicles shall be maintained at or below 10, including 7 sale vehicles and 3 employee and customer. No storage of fuel or other hazardous materials on site. No banners, strings of lights or other devices. Only approved signage on site.

Deckart Motors, Inc. - 140 Great Road, 400' frontage, 2 entrances, colonial style bldg. parking for 21 cars, 16 cars are allowed on site for sale.

Wholesale Auto Sales, Inc., 198 Great Road - Facilities and land at 198 Great Road two 9(2) car only to be displayed.

Country Leasing Inc., 61 Powdermill Road - Showroom, parts department and offices.

DJS AUTO SALES -317 Central Street- Single story cinder block blds. office to be used in building parking lot to left of bldg. where cars will be displayed. License limited to 13 cars. No banners or advertising devices to be displayed on the vehicles.

CLASS I LICENSES

Village Saab - 30 Main Street - 131,684 sq. ft. frontage building single story, brick and cinder block 6,200 sq. ft. of space.

Colonial Chevrolet, Inc., 171 Great Road. One story concrete block building.

Files Equipment Company - 180 Great Road - Approximately 1 3/4 acres of land with 40'x80' metal bldg. consisting of showroom, office and warehouse.

Swanson Pontiac/GMC, Inc., lot 1 Sudbury Road. 96,300 sq. feet of land and new bldg. of 8,520 sq. ft. This license is limited to 200 new and used vehicles stored on the premises.

Nashoba Valley Trailers, Inc., 7 Quarry Road. 200 ft. frontage on Quarry Road, approx. 140 ft. on Route 27. Total acreage over one acre. Limited to seven motor homes as shown on plan presented to the board on 3/5/80.

Acton Lincoln Mercury - 196 Great Road. - 3 acres at 196 Great Road with full service and sales capability. Site plan reviewed and approved by Board of Selectmen.

Acton/Concord Toyota, Inc. - 135 Great Road - Facility and land at 135-137 Great Road consisting of approximately 3+ acres and a 13,000 sq. ft. building. Limited to 180 cars.

Acton Lincoln-Mercury, Inc. - 59 Powdermill Road - 2.0 acres of land with a cement block bldg., containing 7222 sq. ft. with a three car showroom, parts and service dept., display parking, service and customer parking with vehicle carrier unloading area as approved with conditions 7/24/90.

ENTERTAINMENT LICENSE

I MOVE WE APPROVE THE ENTERTAINMENT LICENSES AS LISTED BELOW:

Pasta Villagio - 36 Great Road. Musical Entertainment to provide background music for dining room and lounge. 11:00 to 11:00 7 days

ScupperJacks - Nonset Path - Entertainment and Dancing music - 8:00 P.M. to Midnight M-S.

Pizza Hut - 273 Great Road - Juke Box 11:00 A.M. to 12:00 Midnight Monday thru Sunday

Papa Gino's - Powdermill Plaza - Juke Box 10:00 A.M. to 11 P.M. Monday thru Sunday

Gerard Labrosse - LeLyonnais - 416 Great Road - Classical Guitarist during Dinner hour = 6-10 p.m.

BOWLING ALLEY LICENSE

I Move we approve Bowling Alley License as listed below:

Acton Bowladrome, 257 Main Street - 21 alleys.

AUTOMATIC AMUSEMENT DEVICES

I Move we approve Automatic Amusement Devices as listed Below:

Robert Sundberg - 257 Main Street - 40 Machines

ScupperJack's - Nonset Path - 1 machine

Acton Cinemas - Kiddietime - 2 Machines

Ames - Kiddietime - 2 machines in the lobby areas

Papa Ginio's - 1 Machine

TAXI CAB LICENSES

I Move we approve a Taxi cab license as listed below:

Tatania Benharbone - 11 Central Street - one cars

TAXI CAB DRIVER

I Move we approve a Taxi Cab Drivers License as listed below:

Tatania Benharbone - 11 Central Street, owner and operator

TO TELL FORTUNES FOR MONEY

I MOVE WE APPROVE a license to Tell Fortunes for Money as listed Below:

John J. Lorenz, 59 Nashoba Road

COMMON VICTUALLERS LICENSES

I move we approve the following Common Victuallers Licenses as listed below:

Alexander's Pizza - 576 Mass Ave. - 6:30 A.M. to 10:00 P.M. - 7 days per week

Gerard M. Labrosse, 416 Great Road - Hours: 11:00 A.M. to 12 P.M. Monday - Sun. 1 pm to 12 am.

Claude R. Miquel (Chez Claude) 5 Strawberry Hill Road - W-F 11:30 am - 11 pm M-T-S 5:00 pm to 11 pm.

*, Candlewood - at the Acton Shopping Center 240 Main Street 11 am to 11 pm. Mon-Sat

Pasta Villagio - 36 Great Road- Hours: 11 am to 11 P.M. 7 days

Spiros Stamatelatos -- 481 Great Road - Seating capacity 16 - Hours: 1 am - 11 pm 7 days week

Makaha, Inc. - 255 Great Road Hours: M-S 11 am to 1 am, sun. 1 pm to 12 midnight.

New London Style II - 166 Great Road - 10 am to 10 pm 7 days

Bergson Ice Cream and Food Shops, Inc. - Great Road Shopping Center. Hours: Sun 9 am to 8 pm Mon-Sat 7 am to 9 pm

Friendly Ice Cream Shop, 387 Mass Ave. - Hours: Sun-Thurs 7 am to 11 pm Fri-Sat 7 am - 12 midnight

"ScupperJack's" Nonset Path - Hours: M-S 11 am to 1 am Sun 11 am to 12 Midnight

McDonalds, 256 Main Street - Hours: Sun 7 am - 11 pm Mon-Thurs 6:00 am - 11 pm, Fri 6:30 am - midnight, Sat 7:00 - Midnight

Acton Seafood Sales - 77 Great Road - Hours: Mon-Sat 11 am - Sun 11 pm 12 pm - 10 pm.

Jaman Corp., Crossroads - John J. Manning - Nagog Sq. 11 am - to 12 mid Mon-Sunday.

Beef and Ale Restaurant, Inc. - 134 Great Road - Hours: M-S 11 am to midnight 7 days

New London Style Pizza - Spruce Street - M-Sat 11 am - 10:30 - Sun 12 pm - 10:30 pm.

Pizza Hut of New England - 271-275 Great Road - Hours: M-T 11 am - 11 pm, Fri- Sat 11 am - 12 mid, Sun 12 pm - 11 pm.

I.D.P. CIAO, James P. Bailey, Jr. - 452 Great Road - M-S 11 am - mid, Sun 12 pm - 12 midnight

Giovanni's - Nagog Sq. - Hours 11:30 - 12 mid 7 days

Leonard Weiner d/b/a/ Village Donut - 166 Great Road - M-F - 5:30 am - 6:00 pm., S-S 6 am - 4:00 p.m.

Savory Lane - 93 Great Road - M-S 10 am to 9 pm, Sun 10 am - 5 pm.

Arthur Joubert III Burger King - 55 Great Road - Hours: Sun-Thurs 6:30 am - 10:30 pm , Fri-Sat 6:30 am - Midnight

M.J.'s - Michael O'Keefe - 6 am - 6 pm - 7 days - seat limited to 50.

Robert Sundberg - 257 Main Street - 9 am - 11 pm 7 days

Papa Gino's - Powdermill Plaza - Sunday - 12 - 10, Fri-Sat 11-11, Mon- Thur 11-10.

Dunkin Donuts - Manny Costa - Powdermill Plaza - 24 hours, 7 days

D'Angleo's - 61 Great Road - 10-11 7 days

Bickfords' - Route 2A at Nagog Sq. - 6 am - 10 pm, 7 days

Kourmet, Inc. - 100B Powdermill Road - M-S 11: 9:30 - Sunday 12-9.

Phillips Coffee Emporium, INC. - 5 Spruce Street - 6am to 9 pm 7 days - 4 seats.

Pizza Express - Kostos Asprogiannis - 251 Main Street 10 - 11 7 days.

Acton House of Pizza - 494 Main Street - 11-10 M-s 10-10 Sunday - 8 Seats only.

Key West Coffee - Great Road/Route 27 - 7:00 - 6:00 - 7 days

LIQUOR LICENSES

I move we approve as presented and listed below: Common Victualer License to Expose, Keep for Sale and to Sell All Kinds of Alcoholic Beverages to be drunk on the premises for:

I.D.P., Inc., James A. Bailey, Jr., dba CIAO - Beverages must be served with meals only. Hours: Mondays through Saturdays 11 A.M. to 12 Midnight. Sunday 12 Noon to 12 Midnight. -\$5,000

CLAUDE R. MIQUEL, INC., dba Chez Claude, Claude R. Miquel, Manager - Beverages to be served with meals only. Luncheon Hours: 1:30 am Wed., Thurs. & Fri. Dinner Hours: 5 pm - 11 pm Mondays through Saturdays. \$3,750.00

ACTON SEAFOOD SALES INC., ALI ZOSHERAFATIAN, Manager. Hours: Mon., Tues & Wed. 11 am to 10 pm, Thurs - Sat. 11 am to 11 pm. -\$5,000

GERARD M. LABROSSE, dba LeLyonnais Restaurant. Hours: 11 am to 12 midnight Mondays - Sunday - \$5,000.

PASTA VILLAGIO, Mr. Fliss, Mgr. Hours: 11am to 11 7 Days - \$5,000

JACKLELEN, INC, dba Candlewood Restaurant. Hours: 11 am to 11 pm Mondays through Saturdays with the following restrictions. no exterior signs of any kind advertising alcoholic beverages will be displayed. - \$3,750.00

SCUPPERJACK'S - Jack Mendosa, Manager. Hours: 11 am to 1 am Mondays through Fridays and 11 am to Midnight Saturday and 12 m to 1 am and 1 pm to midnight Sundays. - \$5,000

JAMAN CORP., John J. Manning, Pres. & Mgr., d/b/a CROSSROADS. HOURS: 11:30 am to 1 am Mon - Sat; 12 noon to 1 am Sunday - \$5,000.

Gourmet Industries of Acton, Inc., d/b/a GIOVANNI'S, Dennis Dyer, Manager. Hours: 11 am to 12 midnight Sun through Sat. - \$5,000

MAKAHA, INC., Robert Tun Y. Lee, Manager. Hours: 11 am to 1 am Mon - Fri; 11 am to Midnight Sat and 12 am to 1 am and 1 pm to Midnight Sundays. - \$5,000

Retail Package Goods Store License to Expose, Keep for Sale, and to Sell All Kinds of Alcoholic Beverages, not to be drunk on the premises for:

ELM ASSOCIATES, INC., dba Colonial Spirits, Stephen P. Steinberg, Manager. hours: 8 am to 11 pm weekdays and 8 am to 11 pm Saturdays.

NOTAR'S MARKET, INC., Mary M. Notargiacomo, President and Treasurer. Hours: 8 am to 11 pm Weekdays and 8 am to 11 pm Saturdays.

LAST NATIONAL WINE CO., INC., Peter B. Masters, president/manager. Hours: Mon, Tues, Wed, 9 am to 11 pm, Thurs, Fri & Sat 9 am to 11 pm

LIQUOR OUTLET, INC., d/b/a Acton Wine & Spirit, Stephen P. Zeitler, Manager. Hours: 8:30 am to 10 pm Mon - Thurs; 8:30 am - 10:30 pm Fri. & Sat.

(all \$2,000.00)

Retail Package Goods Store, License to Expose, Keep for Sale and to Sell Wines and Malt Beverages, not to be drunk on the premises for:

ACTON COUNTRY CUPBOARD, DAVID P. HOUDE, Manager/Owner. Hours: 10 am to 10 pm Mon through Sat.

ACTON CONVENIENCE STORE, Soterios Hantzis, Mgr. 10:00 to 10:00 M-Sat.

(All - \$1,500.00)

Common Victualer License to Expose, Keep for Sale, and to Sell Wines and Malt Beverages to be drunk on the premises for:

Beef N' Ale, Richard Tanzi, Manager, 7 am to Midnight weekdays; 1 pm to 9 pm Sundays. - \$2,000.00

PIZZA HUT OF AMERICA, INC., Hours 11 am to 11 pm Monday through Thursday; 11 am to 12 midnight Fri and Sat.; 12 Noon to 11 pm Sundays. - \$2,000.

NEW LONDON STYLE PIZZA, Nicholas A. Bottos, Manager. Hours: Mon - Sat 11 am to 10:30 pm; Sunday 12 noon to 10:30 pm - \$2,000.

NEW LONDON STYLE PIZZA II, Nicholas A. Bottos, Manager - Mon-Sat 11: am to 10:30 PM. Sunday 12 noon to 10:30 PM - \$2,000

PAPA GINO'S ACQUISITION GROUP, Hours: 12 noon to 10 pm Sun; 11 am - 10 pm Mon - Thurs; 11 am - 11 pm Fri & Sat; Lights to be turned off 1/2 hour after closing. - \$2,000.

SCUPPER JACK'S

RESTAURANT & BAR

12/15/92 (6)
Nagog Park • Route 2A • Acton, MA 01720 • (508) 263-8327

November 20, 1992

Ms. Nancy Tavernier, Chairwoman
Board of Selectman
Town of Acton
472 Main Street
Acton, MA 01720

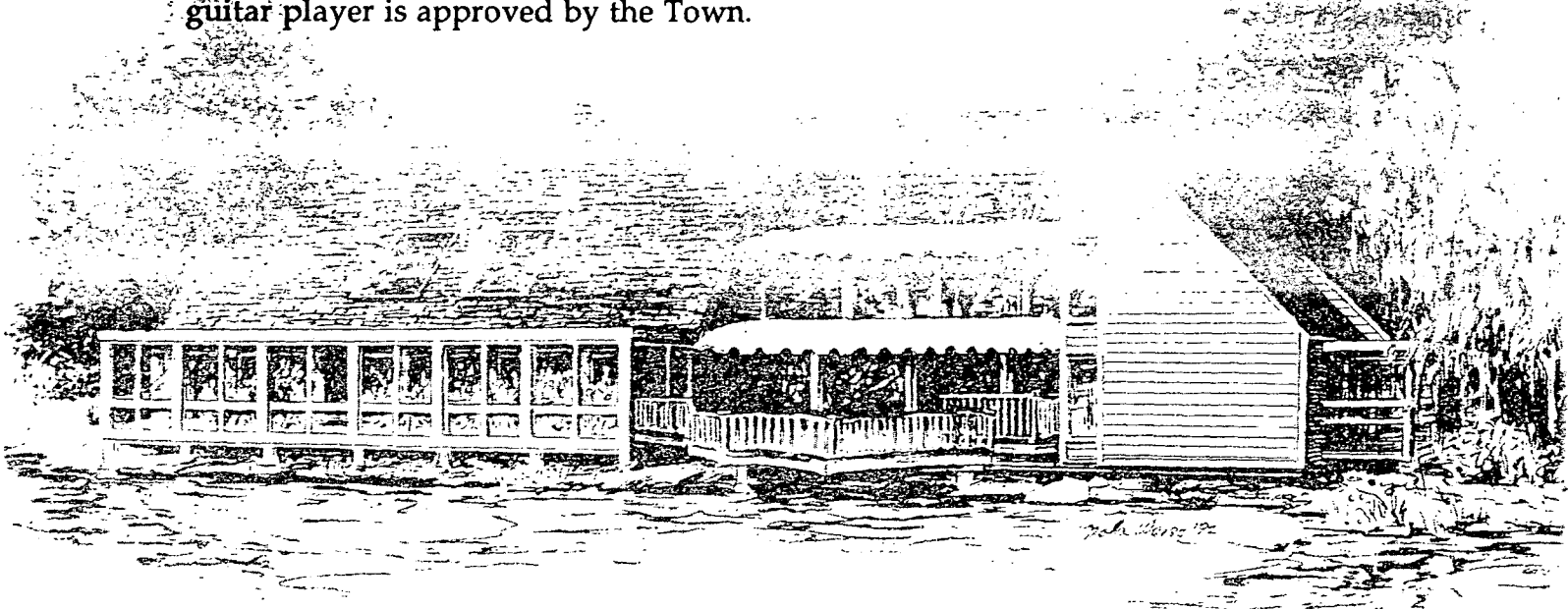
Dear Ms. Tavernier:

This letter is to request that your Board consider our desire to amend our present Amusement License with the Town of Acton.

We are seeking permission to allow dancing on our premises as well as allowing more than one person to perform music on the premises. Presently our Amusement License allows one folk guitar player to perform.

We are primarily seeking this approval in order that we may lawfully allow weddings, bar mitzvahs and other functions held at ScupperJack's to conduct dancing with either small bands (three to six people) or disc jockeys. This type of entertainment is very customary for functions and we feel we are at a distinct disadvantage presently in trying to accommodate such functions without formal license approval to do so.

Thus we are hereby requesting the Board of Selectman's and Town of Acton's approval to amend our present Amusement License with the Town to include both dancing and entertainment that includes more than one person. Presently one folk guitar player is approved by the Town.

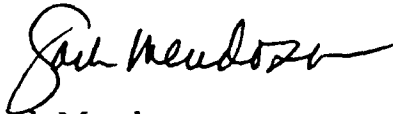


Nancy Tavernier
November 20, 1992
Page 2

I thank you in advance for your consideration of this request and if you or any fellow selectman need more information or have any questions regarding this request please call or write.

Sincerely yours,

NAGOG RESTAURANT CORPORATION

A handwritten signature in black ink, appearing to read "Jack Mendosa", written in a cursive style.

Jack Mendosa
President and General Manager

cc: Christine Joyce
Town Manager's Office

Chief George Robinson
Acton Police Department

Mr. Kirk Ware
Nagog Development Company

12/15/92

(13)

**TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION**

DATE: December 8, 1992

TO: Don P. Johnson, Town Manager
FROM: Garry A. Rhodes, Building Commissioner *GAR*
SUBJECT: Amendment to Supplemental Agreement/Audubon Hill

Mr. Allard has applied for building permits on Units 101-111 Audubon Drive. Under condition 8i of the Supplemental Agreement, the emergency access drive must be paved with binder prior to framing. I have discussed this issue with both the Town Engineer and the Fire Department. The Town Engineer feels that if the weather will not allow for paving this year, the existing access is adequate to support construction activity. The Fire Chief feels that as long as occupancy permits are not issued, he does not have an objection to the issuance of building permits in this phase.

In order for us to issue the building permits, it will be necessary to amend the agreement. I do not have an objection to amending the agreement as long as it is contingent upon the completion of binder on the emergency access drive prior to occupancy of any units in the Northern Phase.

Garry A. Rhodes
Building Commissioner
Town of Acton
Acton, MA 01720

12 December 1992

Re: Units 101-111 Audubon Drive, Acton

Dear Garry:

As you are aware, I submitted building permit applications for units 101-111 Audubon Drive at the end of October. For various reasons there was a delay in the approval process.

On 4 December I was issued "foundation only" building permits for the units in question and I was advised that I had to pave the remainder of the Access road before I could be issued the full building permits. Although I am prepared to proceed with this plan and have alerted my engineers to that effect, upon discussing the matter with the town of Acton engineer, it became clear that it would be wiser to wait until March or April 1993. This is of course due to the cold weather and the possibility of frost under the binder coat that would eventually cause the breakup of the pavement and require that it be repaved in the spring.

At present the Access roadway is graveled and stable all the way from the paved area, where my construction trailer is located, to its intersection with High Street. I have made provisions to have the gravel portion along with the paved section plowed throughout the winter season so that access will be available at all times.

At the moment there are 40 units that have been completed of which 36 have been sold and three others are under reservation or being used as a model. Since the funding for the project, including the Elderly Center, is tied to the sale of the units, more of them have to be constructed now so as to be available for sale in February or March 1993.

It is therefore requested that a waiver be granted to delay the paving of the remainder of the access road until early spring and that I be authorized to proceed with the construction on Units #101-111.

If you have any questions please call me at 263-2558.

Sincerely yours,



L. Charles Allard

SUPPLEMENTAL AGREEMENT

This Agreement (the "Supplemental Agreement") is made as of the 27 day of October, 1989, by and between the Town of Acton, Massachusetts (the "Town"), a Massachusetts municipal corporation having its usual place of business at the Acton Town Hall, Acton, Massachusetts 01720, acting by and through its Town Manager, the duly authorized designee of the Town's Board of Selectmen under the terms and conditions of a certain Comprehensive Development Agreement (the "Development Agreement") dated as of the 23rd day of June, 1989, and R. Smith Associates, Inc. (the "Developer"), a Massachusetts corporation having its usual place of business at 292 Great Road, Acton, Massachusetts 01720.

RECITALS

Reference is made to the following facts:

A. The Town and the High Street PCRC Trust, Roy C. Smith, Trustee, u/d/t dated March 5, 1985, recorded with the Middlesex South Registry of Deeds in Book 18611, Page 609 and the Middlesex South Registry District of the Land Court as Document No. 758061 (the "Trust") entered into the Development Agreement in order to set out the terms and conditions under which the Development Property (as defined in the Development Agreement) would be developed.

B. Roy C. Smith, as trustee of the Trust, transferred the Development Property and related developments rights from the Trust to the Developer by deed dated as of July 24, 1989, and recorded with the Middlesex South Registry of Deeds in Book 19966, Page 308.

C. The Town and the Developer wish to establish that the Developer will develop the Development Property in accordance with the terms and conditions of the Development Agreement.

D. The Town and the Developer also wish to clarify certain of the terms and conditions of the Development Agreement.

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants and agreements contained in this Supplemental Agreement, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. The Developer agrees to assume all of the Trust's obligations under the Development Agreement and agrees to be bound by and to construct the Project in accordance with the terms and conditions of the Development Agreement.

2. The Town agrees to the assignment by the trustee of the Trust and the assumption by the Developer of the Trust's obligations under the Development Agreement.

3. The Developer shall not assign or otherwise transfer its rights under the Development Agreement without the prior written permission of the Town.

4. Pursuant to Section 2.2 of the Development Agreement, the Developer shall provide Security in the amount of fifteen thousand dollars (\$15,000) for the Improvements to the Conservation Area on or before November 3, 1989, or provide the Town Designee with suitable evidence that the cost of such Improvements is less than such sum and a bond for the full cost of such Improvements.

5. The Town and the Developer acknowledge that, pursuant to 780 C.M.R. §114.8, prior to the grant by the Town of a building permit to the Developer for the Project, the Town Building Commissioner may grant, in his sole discretion, a special permit authorizing the Developer to construct only foundations and other appurtenant structures (a "Special Permit"). The Town and the Developer further acknowledge that the grant of such a Special Permit shall not be considered a grant of a "building permit" within the meaning of the Development Agreement, that any construction undertaken by Developer pursuant to any Special Permit shall be at Developer's sole risk without assurance that a building permit will be granted to the Developer subsequently authorizing any further construction.

The Special Permit, if granted by the Town Building Commissioner, shall allow construction of foundations for Units located on Brewster Lane and the Recreation Center, as shown on the Site Plan, only. By applying for the Special Permit, the Developer agrees that Developer shall be responsible for maintaining the structural integrity of each foundation constructed. If frost or alterations of soil conditions occur, the Town Building Commissioner may require the Developer to retain the services of a structural engineer acceptable to the Town. Such engineer shall examine each foundation and appurtenant soil conditions and submit a report to the Town Building Commissioner and Developer concerning their condition and any corrective action which may be necessary to rectify any defects. Furthermore, if the Town Building Commissioner determines that weather conditions may be detrimental to proper construction of foundations, the Town Building Commissioner may suspend any Special Permit

granted to Developer until, in his sole discretion, more favorable conditions for such construction exist. The Special Permit may also require the Developer to "cap" any foundations constructed, subject to approval by the Town Fire Department of fire protection facilities and the Town Building Commissioner of such additional work.

The Developer acknowledges and agrees that the terms of this Supplemental Agreement and any Special Permit are in addition to and do not supersede the terms of the Development Agreement or any applicable zoning or building codes, ordinances, laws or regulations.

Prior to applying to the Town Building Commissioner for such a Special Permit, the Developer shall execute a restrictive covenant substantially in the form of the attached Exhibit A.

6. In the event the Town Building Commissioner grants one or more Special Permits to the Developer, the Developer shall:

- (a) prior to or concurrently with the construction of any foundations, construct and install all water mains (including fire protection water supplies and fixtures) and all road crossovers;
- (b) provide operational hydrants to the satisfaction of the Town Designee;
- (c) stabilize the cut abutting the main entrance to the Development Property to the satisfaction of the Town Designee and Town Engineer no later than November 13, 1989;
- (d) subgrade, address and finish with twelve (12) inches of bank run grade gravel all road and drive areas in the Development Property to the satisfaction of the Town Designee no later than November 10, 1989;
- (e) base pave Audubon Drive and Brewster Lane, as shown on the Site Plan; and
- (f) following construction of any foundation for which the Developer (i) does not receive building permit within six (6) weeks of such construction or (ii) for which the Developer receives a building permit, but does not begin frame construction for a period of four (4) or more weeks from such construction; construct a cover over each such foundation or surround each such foundation with a chain link

fence, at the election and to the satisfaction of the Building Commissioner.

7. Developer agrees that if utilities must be placed below any road surfaces in the Site following application of the final coat, the Developer shall not cut the road surface but instead shall bore under such roads.

8. The Developer shall construct the Project in accordance with the following schedule, which shall supercede the schedule dated June 12, 1989 and any other prior schedule:

- (a) Clear and grub Audubon Drive, Brewster Lane and the Emergency Access Drive. (All stumps and brush will be chipped and used on site.)
- (b) Clear and grub all house sites, both North and South Phases, and stake the Unit locations. (Excess mulch will be spread in the North Phase lot locations for stabilization and decomposition.)
- (c) Cut and fill Audubon Drive, Brewster Lane, Emergency Access Drive and the drive to the Elderly Center.
- (d) Put in utilities and subgrade the road and drive system.
- (e) Concurrent with item (d), upon grant of Special Permit, start foundations in units on Brewster Lane, starting with Units 34, 36, 38, 40, 42, 44, 46, 48; then going to clusters with Units 26, 28, 30, 32; Units 18, 20, 22, 24; Units 25, 27, 29, 31; Units 17, 19, 21, 23; Units 9, 11, 13, 15; Units 1, 3, 5, 7; Units 10, 12, 14, 16; Units 2, 4, 6, 8; and the foundation for the Elderly Center and the Recreation Center, which will serve as an on-site sales office.
- (f) Concurrent with item (e), base pave Audubon Drive and Brewster Lane.
- (g) As soon as Fire Marshall approval is received and building permits are issued, start frame construction of units in the same order as the foundations, by cluster, per item (e).

- (h) When the Southern Phase has been completed, the foundations for the Northern Phase will proceed as follows: Units 101, 103, 105, 107, 109, 111; Units 121, 123, 125, 127; Units 126, 128, 130, 132; Units 118, 120, 122, 124; Units 110, 112, 114, 116; and Units 102, 104, 106, 108.
- (i) When all the foundations have been poured and back filled, the Emergency Access Drive will be paved with binder.
- (j) Construction of the Conservation Area and trail system will be finished concurrent with the completion of the units on Brewster Lane. (Excess mulch will be stored for later use on the trails, if desired by the Conservation Commission.)
- (k) When construction and landscaping are complete on Brewster Lane, the final coat of paving will be placed on Brewster Lane, and on Audubon Drive up to the intersection of the Emergency Access Drive. Throughout the construction phase, primary access for construction vehicles will be through the Access Drive unless materials are coming from the Maynard/Concord end of High Street.
- (l) When all construction has been completed, the Emergency Access Drive will be completed, the landscaping and the entrance cleaned up and the gate secured.

9. Capitalized terms used in this Supplemental Agreement and not otherwise defined shall have the meaning ascribed to them in the Development Agreement.

10. The Development Agreement remains in full force and effect and this Supplemental Agreement shall be construed so as to supplement and clarify such prior agreement.

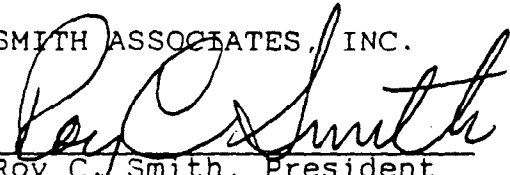
IN WITNESS WHEREOF, the parties hereto have caused this Supplemental Agreement to be executed under seal as of the date first written above.

TOWN OF ACTON,
Acting by and through
its Town Manager

Hereunto duly authorized

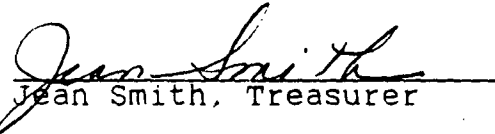
R. SMITH ASSOCIATES, INC.

By



Roy C. Smith, President
Hereunto duly authorized

By



Jean Smith, Treasurer

COMMONWEALTH OF MASSACHUSETTS

_____, ss.

_____, 1989

Then personally appeared before me the above-named Don Johnson, as Town Manager of the Town of Acton, and acknowledged the foregoing instrument to be his free act and deed as Town Manager on behalf of the Town, before me.

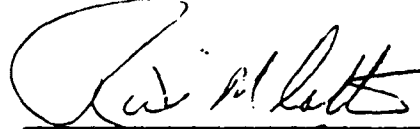
Notary Public
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

OCTOBER 27, 1989

Then personally appeared before me the above-named Roy C. Smith, the President of R. Smith Associates, Inc., and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of R. Smith Associates, Inc., before me.



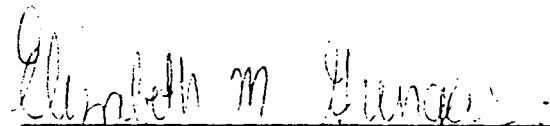
Notary Public Romeo M. Cava
My Commission Expires: 12-14-1991

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

October 27, 1989

Then personally appeared before me the above-named Jean Smith, the Treasurer of R. Smith Associates, Inc., and acknowledged the foregoing instrument to be her free act and deed and the free act and deed of R. Smith Associates, Inc., before me.



Notary Public Elizabeth M. Stanger
My Commission Expires: Dec 16, 1994

Exhibit A

RESTRICTIVE COVENANT

IN CONSIDERATION of the approval by the Planning Board of the Town of Acton, Massachusetts (the "Planning Board"), of a plan of land located in Acton, Middlesex County, Massachusetts, entitled Audubon Hill, dated August 1, 1988, revised to June 1, 1989 by Acton Survey and Engineering, filed as part of an application for a Planned Conservation Residential Community ("PCRC") special permit (the "Special Permit"), also approved by the Planning Board on March 4, 1989; the waiver by the Planning Board of a bond or other security for the construction of the ways shown on said plan and the installation of certain services, in compliance with the Town of Acton, Massachusetts (the "Town") Subdivision Rules and Regulations, last amended October 20, 1980; and in consideration of the execution of a certain Supplemental Agreement dated as of the date hereof between the Town and R. Smith Associates, Inc., a Massachusetts corporation (the "Developer"), the successor in interest to the High Street PCRC Trust, Roy, C. Smith, trustee, the Developer, having its usual place of business in Acton, Massachusetts, its successors and assigns, hereby covenant and agree with the Planning Board and the Town as follows:

1. The Developer is the owner in fee simple of all the land included in the Special Permit and there are no mortgages of record or otherwise on any of said land, except those described below and subordinated to this covenant, and the present holders of said mortgages have assented to this covenant prior to its execution by the developer.

2. Before selling any units shown on the aforementioned plan, the Developer will construct and complete so much of the way leading from an existing public way to the units to be sold as may be necessary to provide access to such units, such construction to conform to the requirements of the Town of Acton as a public way in conformity with and as modified by the Special Permit.

3. The Developer will install or cause to be installed in such part of said street such water pipes and service with hydrants as may be required and specified by the Water Commissioners of the Acton Water District, to provide water to such land.

4. The Developer will expeditiously and diligently proceed to construct the ways shown on the aforesaid plan in accordance with the Supplemental Agreement and in the event

that the Planning Board or the Town concludes, in their sole discretion, that the Developer is not so constructing such ways, the Developer shall provide security sufficient in the Planning Board or Town's opinion for the construction and completion of such ways and services as shown on the aforesaid plan.

5. The provisions of sections 2, 3 and 4 above as pertaining to a particular unit or units may be waived in writing by the Planning Board upon provision of security sufficient in its opinion for the construction and completion of the way and services necessary to provide access and service to such unit or units.

6. The developer will incorporate the terms and conditions of this agreement in any sales agreement for the sale of any of the aforementioned units.

7. This agreement shall be binding upon successors and assigns of the Developer provided, however, that the obligations under this agreement of any grantee or grantees of any particular unit or units or their successors in title shall be limited to way and services necessary to provide access and service to the unit bought.

8. This agreement shall run with the land included in the Special Permit and operate as a restriction thereof to be enforced by the Town.

9. Two years from the date of endorsement of the aforesaid plan, or such further time as may be approved by the Planning Board, the Planning Board shall have the power to rescind the Special Permit if all the ways and appurtenant easements, including drainage facilities, are not completed, except as to units hereafter released from this restrictive agreement by the Planning Board.

10. The land included in the Special Permit is encumbered by and subject to the following mortgages which, however, are subordinated to this covenant:

- (a) Mortgage granted by the Developer to Boston Federal Savings Bank dated July 24, 1989, and recorded with the Middlesex South Registry of Deeds at Book 19966, Page 314, and the Middlesex South Registry of the Land Court as Document No. 803578; and
- (b) Mortgage granted by the Developer to Bank of New England North, N.A., dated July 24, 1989, and recorded with said Deeds at Book 19966, Page 358, and with said Land Court as Document No. 803581.

IN WITNESS WHEREOF, the Developer has executed this Restrictive Covenant under seal as of the 27 day of October, 1989.

R. SMITH ASSOCIATES, INC.

By Roy C. Smith
Roy C. Smith, President
Hereunto duly authorized

By Jean Smith
Jean Smith, Treasurer

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

OCTOBER 27, 1989

Then personally appeared the above named Roy C. Smith, the President of R. Smith Associates, Inc. and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of R. Smith Associates, Inc., before me.

Richard M. Cutler

Notary Public RICHARD M. CUTLER
My Commission Expires: 12-14-89

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

October 27, 1989

Then personally appeared the above named Jean Smith, the Treasurer of R. Smith Associates, Inc. and acknowledged the foregoing instrument to be her free act and deed and the free act and deed of R. Smith Associates, Inc., before me.

Elizabeth M. Guinard

Notary Public Elizabeth M. Guinard
My Commission Expires: Dec. 11, 1994

Accepted by the Planning Board:

TOWN OF ACTON PLANNING BOARD

By: _____
Its:

Accepted by the Town:

TOWN OF ACTON, MASSACHUSETTS

By: _____
Its:



George M. Robinson
Chief of Police



Acton Police Department

P. O. Box 212

Acton, Massachusetts 01720

Telephone 263-2911

CASE NO. 19214247

DEAR Mr. Eugene White,

Please contact the Acton Police Department relative to an incident which occurred on November 18, 1992 at between 1930-1945.

Detective Sgt. Robert Parisi is the investigator assigned to your case and may be reached at 263-2911 or 264-9639. Please contact us so that we may resolve this matter to your satisfaction.

Thank you for your cooperation concerning this incident.

Sincerely,

Sgt Robert Parisi

12/2/92

XXXXX Additional Information Needed

 Court Date Changed

 Disposition of Court Case



George M. Robinson
Chief of Police



Acton Police Department

P. O. Box 212

Acton, Massachusetts 01720

Telephone 263-2911

CASE NO. I9214247

DEAR MR. EUGENE WHITE,

Please contact the Acton Police Department relative to an incident which occurred on NOVEMBER 18, 1992 at BETWEEN 1930-1945.

Detective SGT. ROBERT PARISI is the investigator assigned to your case and may be reached at 263-2911 or 264-9639. Please contact us so that we may resolve this matter to your satisfaction.

Thank you for your cooperation concerning this incident.

Sincerely,

SGT ROBERT PARISI

12/10/92

~~XXXXX~~ Additional Information Needed

_____ Court Date Changed

_____ Disposition of Court Case

Mr. White i called you on 12/2/92 and also sent you one of these notices by mail on 12/2/92 and have not heard from you as of this date.

Is your RETURN ADDRESS
completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece next to the article number.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Eugene White
189 Walnut St.
Roxbury, Ma. 02119

4a. Article Number

P 641 303 968

4b. Service Type

- | | |
|---|---|
| <input type="checkbox"/> Registered | <input type="checkbox"/> Insured |
| <input checked="" type="checkbox"/> Certified | <input type="checkbox"/> COD |
| <input type="checkbox"/> Express Mail | <input type="checkbox"/> Return Receipt for Merchandise |

7. Date of Delivery

5. Signature (Addressee)

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, October 1990

★ U.S. GPO: 1990-273-881

DOMESTIC RETURN RECEIPT

Thank you for using
Return Receipt Service.

TOWN OF ACTON POLICE DEPARTMENT
INTER-DEPARTMENTAL COMMUNICATION

(14)

TO: John Murray
FROM: Sgt. Parisi
SUBJ: Eugene White case

DATE: December 11, 1992

TIME: 3:48 PM

On December 1st I was requested by Chief Robinson to investigate the Eugene White threatening complaint which was reported on November 24th to Patrolman Prehl. I had previously been off from the 26th of November to the 1st of December. On December 2nd at 5:20 p.m. I called Eugene White at the following number, (617) 445-1321, and a young girl answered the phone. I asked for Eugene White and she called her mother. I explained to the woman who I was and that I was looking for Eugene in reference to a complaint he had made to the Acton Police. She advised me that he was not home and that she would give him the message. I told her who I was and gave her a return phone number and the hours I would be working and that it was very important for Eugene to get in contact with me. On that same night I sent a notification letter that we needed more information to further conduct the investigation of his complaint. I sent the letter to Eugene White at 189 Walnut Street, Roxbury, Massachusetts, the address he had given to Officer Prehl. After not hearing from Mr. White I again sent a notification letter requesting return receipt on December 11th, 1992.

I have not interviewed anyone else in the Hayward road area at this time due to the fact that in Mr. White's initial complaint he stated he had been to the youth's house that day soliciting. I have been waiting for Mr. White to contact me to advise what house it was that he went to so I could interview the youths who live at that house and to also have Mr. White do a composite sketch.


Sgt. Robert Parisi



ACTON HOUSING AUTHORITY

Windsor Avenue
P.O. Box 681
Acton, Massachusetts 01720
508/263-5339

TDD #- 1-800-545-1833 EXT.120

December 8, 1992

Ms. Mary Padula
Secretary of Communities & Development
Office of the Secretary
Executive Office of Communities &
Development
100 Cambridge Street
Boston, MA 02202

Dear Ms. Padula:

Per your request I have reviewed EOCD's form listing all subsidized housing developments in the Acton community and have determined it to be correct. Please note that under the address section for 705-C I have filled in "scattered site".

Should you or your staff have any questions please feel free to contact our office directly.

Sincerely,

Naomi E. McManus
Executive Director

cc; Acton Board of Selectmen
Acton Community Housing Corporation

EXECUTIVE OFFICE OF COMMUNITIES AND DEVELOPMENT
 SUBSIDIZED HOUSING INVENTORY--AS OF JUNE 30, 1992
 ISSUED 11/13/92 -- DRAFT

ACTON

Please review this form listing all subsidized housing developments in your community that are occupied or under construction. Please provide missing information or make any changes on the space provided below each project. Indicate development status: 1-occupied; 2-under construction.

ID#	PROJECT NAME	ADDRESS	PROGRAM	DEVEL. STATUS	TOTAL DEVELOPMENT UNITS	CHAP. 774 UNITS
0027052	CHAPTER 705-2	SCATTERED SITES	705	1	9	9
0026671	Chapter 667-1	Windsor Avenue	667	1	68	68
0026672	Chapter 667-2	SACHEM WAY	667	1	23	23
0026891	Chapter 689-1	27 Concord Rd.	689	1	12	12
0027051	Chapter 705-1	SACHEM WAY	705	1	12	12
0027053	Chapter 705-3	Scattered Sites	705	1	18	18
					<hr/> 142	<hr/> 142

ADDITIONAL COMMENTS OR QUESTIONS

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: Nov. 25, 1992

TO: Housing Authority
Acton Community Housing Corporation
Planning Department

FROM: Don P. Johnson, Town Manager

SUBJECT: 1992 EOCD Subsidized Housing Inventory

The attached correspondence from EOCD is self-explanatory.
Please review the inventory and respond to the Selectmen with any
comments you may have by Friday, December 11.

(The early response request is to avoid any possible conflict
with the Holiday Season that might prevent a timely response to
EOCD.)

cc: Board of Selectmen ✓

EXECUTIVE OFFICE OF COMMUNITIES & DEVELOPMENT



William F. Weld, Governor
A. Paul Cellucci, Lt. Governor
Mary L. Padula, Secretary

November 13, 1992

To all interested parties:

Attached for your review is the Executive Office of Communities and Development's 1992 Subsidized Housing Inventory for all cities and towns in Massachusetts. This Inventory is used by EOCD to compile percentages of low- and moderate-income housing for purposes of M.G.L. Chapter 40B. This percentage is determined as the number of qualifying units divided by the total number of year-round housing units in the community. Tenant-based assisted units are not included in the Inventory.

During the past year, EOCD has worked to update this Inventory. Given the diversity of sources and programs, omissions or incorrect inclusions are likely to occur. If you have any corrections to the Inventory, please submit them in writing by **December 31, 1992** to EOCD, 100 Cambridge Street, 17th Floor, Boston, MA 02202, Attention: Subsidized Housing Inventory.

Sincerely,

A handwritten signature in dark ink, appearing to read "Mary L. Padula", written over the typed name and title.

Mary L. Padula
Secretary

Enclosure

0774covr.mo

EXECUTIVE OFFICE OF COMMUNITIES AND DEVELOPMENT
SUBSIDIZED HOUSING INVENTORY--AS OF JUNE 30, 1992
ISSUED 11/13/92 -- DRAFT

ACTON

Please review this form listing all subsidized housing developments in your community that are occupied or under construction. Please provide missing information or make any changes on the space provided below each project. Indicate development status: 1-occupied; 2-under construction.

ID#	PROJECT NAME	ADDRESS	PROGRAM	DEVEL. STATUS	TOTAL DEVELOPMENT UNITS	CHAP. 774 UNITS
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0027053	Chapter 705-3		705	1	18	18
					----- 142	----- 142

ADDITIONAL COMMENTS OR QUESTIONS

EXECUTIVE OFFICE OF COMMUNITIES AND DEVELOPMENT (EOCD)
SUBSIDIZED HOUSING INVENTORY -- JUNE 30, 1992

NOTES TO ACCOMPANY EOCD'S SUBSIDIZED HOUSING INVENTORY

General: This Inventory is used to determine the percentages of low- and- moderate income housing for purposes of M.G.L. Chapter 40B, s.20 (also known as the Chapter 774 of the Acts of 1969). Chapter 40B established a comprehensive permit process for the construction of subsidized low- or moderate-income housing. If a community which has less than ten percent of its housing stock as low- or moderate-income housing denies a comprehensive permit application, or imposes conditions that make a project uneconomic, the developer may appeal to the state Housing Appeals Committee. Under 760 CMR 31.04, EOCD is responsible for maintaining an Inventory for purposes of calculating whether a community's low- and moderate-income housing exceeds ten percent.

Uses of the 1990 Census: The percentages of subsidized housing shown in the Inventory are calculated by dividing the number of Chapter 774 units in each municipality by the number of year-round housing units as defined by the U.S. Department of Commerce, Bureau of the Census. While these percentages are presumed correct for purposes of Chapter 40B, a local zoning board of appeals or a developer may submit more recent evidence.

Source Data: The summary data listed in this Inventory is based upon a project-by-project listing maintained by EOCD. The project listing updates the 1990 Subsidized Housing Inventory issued on March 31, 1990. Data for the update was provided by EOCD, the Massachusetts Housing Finance Agency (MHFA), the U.S. Department of Housing and Urban Development, and the U.S. Farmers' Home Administration. This list is a public document available for review during regular hours at EOCD, 100 Cambridge Street, 18th Floor, Boston.

Accuracy: The data in the Inventory is the most accurate available information to EOCD as of June 30, 1992. Corrections to the Inventory should be submitted in writing to EOCD, 100 Cambridge Street, 17th Floor, Boston, MA 02202, Attention: Subsidized Housing Inventory.

Comparison with the 1990 Inventory: Although EOCD makes every effort to obtain the most accurate count of the subsidized housing in the state, some errors are likely to occur given the diversity of sources and the likelihood of multiple subsidies. During this update EOCD deleted several projects that should not have been included in the previous Inventory. In the same way, projects that should have been counted and were not included in the previous Inventory were added. Therefore, an increase/decrease of units in a particular community does not necessarily mean that the community gained/lost units, but may indicate corrections to this Inventory.

Qualifying Programs/Units: The Inventory includes projects from all state or federal housing subsidy programs that qualify for inclusion by statute, regulation, agency guidelines, or case law. (See 760 CMR 31.04.) State or federal rental assistance programs (e.g., Chapter 707 and Section 8) are specifically excluded from the Inventory by 760 CMR 30.02 unless used in conjunction with a qualifying program. All units in mixed-income rental projects count towards the number of CHAPTER 774 UNITS.

Def A

**SELECTMEN'S MEETING
DECEMBER 1, 1992**

The Board of Selectmen held their regular meeting on Tuesday, December 1, 1992, present were Nancy Tavernier, Dore' Hunter, Norm Lake, Anne Fanton, William Mullin, and Town Manager Johnson

CITIZENS' CONCERNS

None expressed.

PUBLIC HEARINGS AND APPOINTMENTS

**BOSTON EDISON/NEW ENGLAND TELEPHONE
JOINT POLE LOCATION - ROBBINS STREET**

NORM LAKE moved to approve request for Joint Pole and equipment as submitted on the petition. ANNE FANTON - Second.
UNANIMOUS VOTE

**BOSTON EDISON/NEW ENGLAND TELEPHONE
JOINT POLE LOCATION - OFF ROBBINS STREET**

NORM LAKE moved to approve request for Joint Pole and equipment as submitted on the petition. ANNE FANTON - Second.
UNANIMOUS VOTE

**LAST NATIONAL WINE COMPANY
TRANSFER OF STOCK AND PLEDGE OF LICENSE**

Attorney Bergeron representing the parties involved outlined the process and background regarding the transfer of stock and the pledging of the license to Mr. Masters. DORE' HUNTER - Moved to approve the Pledge and Transfer of Stock. NORM LAKE - SECOND.
UNANIMOUS VOTE.

DOG COMPLAINT - SAWYER - 41 MINUTEMAN ROAD

Mrs. Kathy Conley the complaintant outlined her on going problem with the situation at 41 Minuteman Road. She has for 2 years tried to sole the problem. She has spoken to Mr. Sawyer and his mother. She has not been able to use her backyard or porch. Her daughter and her friends are frightened to use the back yard and play in the driveway. She cannot carry on conversions in the rear of her home because the barking is so loud. Her home is about 40 feet from the pen. The barking begins around 2:30 each day and gets louder and louder as the dogs become more angry. The dogs do bark during the day whenever some one walks down the street or drives into an abutting driveway including hers, basically whenever they hear a vehicle or persons voice they begin barking. Nancy asked how far the pen was from the property line. She replied that the pen was on the property line. Dore' asked if any other neighbors had complained. She said the

neighbors talk among themselves, acknowledging the problem. The newest neighbor's daughter won't play in the yard because of the dogs, she is very frightened and while she has not complained she is very concerned, but is new to the country and just wants to blend in to the new neighborhood. She reiterated she has been trying for two years to change the situation with the Sawyers to no avail. Anne Fanton asked if the Dogs were out at night, Mrs. Conley did not know. Mr. Sawyer replied that he or a family member make sure that the dogs are in their house at 6:30 - 7:00 each evening. Dore' asked for a copy of her personal log of barking incidents.

Mr. Sawyer felt it was not an issue of dogs barking. He felt that she was bitter that his home was built on a adjacent parcel that she had once enjoyed as open fields. The said he confines the dogs to a specially insulated dog house within the pen each evening around 6:30. He has made every effort to appease her and he has even been forced to file a criminal complaint against her for harassing phone calls. He has offered to pay for 1/2 of a fence to be installed. He said that when he was installing the pen he even placed the pen where she directed, although he said she originally stated she wanted the pen in his front yard, he felt this was an unreasonable request. The neighborhood has many dogs, poodles, scotch terriers and such that bark, he feels she is just displeased at the building of his home. Dore' asked how large the pen was and how many hours per day they were penned. He replied that the pen is 20x40 the dogs are put away each night in their dog house by 6:30. He feeds them at between 7 and 8:00 each evening in the garage and estimates they are out of the pen an hour per day on leads while he plays with them. Anne asked when the dogs were let out of the dog house. He lets them out around 10:00 after everyone has gone to work. Mr. Sawyer said it suits his schedule and tries to appease Mrs. Conley, but felt she should get activities outside the home to consume her extra time and perhaps the barking would not irritate her so much. Bill asked if the Dogs are brought in to the house at night. He said yes, occasionally. Norm asked how long he had lived there and had these dogs. He said six years and has had the dogs for 3 years. He was also questioned on when he had obtained his kennel license for 91 and 92 as well as why on the census they had responded that no dogs were kept at that location. He agreed he had licensed his dogs in 1991 late, and that he had just licensed them for 1992 on November 30, 1992, he thought the license went for two years, the census form he had not recollection about it, Nancy noted Mrs. Joyce Sawyer had filled it out.

Mr. Frank _____, 39 Minuteman Road testified that the dogs do not bark so that he can hear them. He leaves at 6:30 in the morning and returns each evening between 7-8:00 P.M. In his opinion, they are dogs, they bark, however not excessively. When asked how far he was from the cage, he replied approximately 3

times further than Mrs. Conley. Dore' asked if he had ever heard the Conley's complain about Mr. Sawyer or his dogs, he did not recall any conversations.

Mrs. Conley denied being given the choice of where the pen would be placed. She then explained her calls to the Sawyer residence as it related to the complaint filed against her. Les Boardman suggested barking collars might be an alternative, however, the dogs would not bark at anything once they wore them.

The Board closed the hearing at 9:10 P.M. and that under the law this constitutes the investigation portion of law. The board began to discuss the situation Dore' and Norm felt they would like to see site themselves personally. Dore' felt that the Board's choices to resolve this issue were limited. He also felt that the Board could not legislate good feelings in the neighborhood. If a fence is to be constructed he felt the Conley's should not have to pay for 1/2. They should get other witnesses in to talk about it with neighbors. Anne was concerned with waiting to make decision while info was fresh in their minds. She felt that noise or annoyance to someone in that manner increases the sensitivity and it becomes heightened. Frequency is as relevant as duration. She did not feel the fence would help. She noted that from what she sees, the dog should be brought into the home during the evening. Bill felt that the Conley's were being denied the use of enjoyment of their property in a quiet manner. He felt they should be able to get some relief. He was reluctant to resolve or try to resolve the issue this evening, he proposed addressing it at the next meeting, urging them to once again try to resolve the issue among themselves.

Nancy proposed a site visit from the selectmen and was granted this by both parties. Dore' wanted the neighborhood questioned by an impartial party, allowing them to comment with anonymity if they so desired. Town Manager to appoint staff to perform survey. Nancy outlined the possible solutions available to the Board:

1. Pen moved away from property line
2. Dogs brought in the home overnight
3. fence
4. Barking collar
5. Feeding times altered
6. quiet time expected

DORE' HUNTER - Moved to continue the hearing until December 15 at 8:30. Written comments will be accepted and each Selectmen will make a site visit. BILL MULLIN - Second. UNANIMOUS VOTE.

CONSENT CALENDAR

The Board approved the Consent Calendar with the addition of a permit from the Lion's club to sell x-mas trees. DORE' HUNTER - Moved to accept the consent calendar as printed. ANNE FANTON-Second. NORM LAKE abstaining.

SELECTMEN'S CONCERNS

Upcoming Meeting Schedule - Nancy presented the Board with the schedule for first part of 1993. Staff was asked to schedule Board of Health and Planning Board on the 5th or 9th to present articles to the Board.

Local Drug and Alcohol Task Force - Dore' reviewed the content of the meeting he attended. They reviewed the history of the Task Force, it was a positive and upbeat meeting. They felt they should meet more than 3 times per year. It was hoped that they could fine tune the present goal and that the Board of Selectmen should produce a policy in support of the policy. Dore' will draft a policy to be published in the Lamplighter if the Board approves. The Board asked Dore' to proceed. Anne asked if they would give space in the Lamplighter for other issues.

Joint Boards of Selectmen Request - Dore' was willing to sign the support documents. Anne wanted to wait until MAGIC discussed it before the Board signed. CAC was not aware of it mainly because of her ongoing concern that we have seen a disregard for our proximity to Ft. Devens. She asked the Board to wait until MAGIC gave their input. She wanted to be sure they address outside communities. The Board asked that Mr. Higgins be sent letter asking what their plans are for representation, since Route 2 and the Fitchburg line impact Acton, and to send him a copy of the letter to Secty' Tierney's with a note that we would be reviewing. She also wanted the Task Force be consulted before we sign. The Board will revisit on the 15th.

MAPC MEETING - Dore' offered to attend if his schedule permitted. Jim Lee should be contacted in lieu of him if required. Anne noted that we have not gotten any written reports from the MAPC Representative and was concerned by this.

MMA Municipal Meeting - Nancy will attend the Friday Session and encouraged the Board to attend if possible.

COMMON DRIVE 179 Pope Road FEE WAIVER - The Board discussed the recent action by the Planning Board of waiving the fee to \$300.00. It is policy that the Board of Selectmen has the sole discretion to waive or reduce fees. Nancy felt a memo should be sent reminding the Planning Board that the Board is the only body

that can waive or reduce fees, and to approve the waiver this time since it has already been granted. DORE HUNTER - Moved to Cite the Planning Board act of fees waived null and void and outside the authority of the Planning Board. To further vote to waive the fee of the permit in question, and to send correspondence to the Planning Board indicating the Board of Selectmen has the sole right to waive such fees. BILL MULLIN - Second. UNANIMOUS VOTE. Staff to prepare for board signature.

Coordinating Committee - Nancy updated the board on the recent developments at the coordinating Committee. The split remains the issue and it is still at a stalemate with the Finance Committee supporting the Town side with reductions being addressed gross budget to gross budget.

TOWN MANAGER'S CONCERNS

Don presented the Board with his pro-forma budget as required under the Charter. He has prepared an A budget and will present to staff the budget guidelines as best able tomorrow at staff meeting. Anne wanted to see no salary increase put before the Coordinating Committee. Bill thought it was important that everyone realize that the override would be 2.4 million without any increase in services just to address deferral, NESWC, Merriam, Debt exclusion, Overlay.

EXECUTIVE SESSION

The Board voted to move into executive session to reopen to regular session for a brief discussion. ANNE FANTON - Moved to go into executive session for the purpose of discussion litigation. DORE' HUNTER - Second. Roll call taken all ayes.

REGULAR SESSION RESUMED

VCC - Nancy was concerned with two recent issues concerning VCC. She had asked to have more than one candidate to choose from for major boards and has asked them to submit more names in connection with the vacancy on the Board of Assessors. However, VCC submitted only one candidate. Another issue is with appointments to the New Cable Committee. After discussion it was decided that Don Gilberti has offered to serve on the new committee. The Board felt that it would be a conflict of interest since he is so involved with Cablevision and it would be inappropriate to put him on because of his working relationship at the schools with Cable. It was the sense the he would not be considered for appointment because of the above reasons.

DORE' HUNTER - Moved to send a written request to VCC to submit names of more than one candidate for Board of Assessors vacancy. BILL MULLIN - SECOND. UNANIMOUS VOTE.

The Board adjourned at 11:45 P.M.

Clerk

Date

Christine Joyce
Recording Secty.
cmjW11-(316)

**EXECUTIVE SESSION
DECEMBER 1, 1992**

CONCORD COOPERATIVE / CONSERVATION COMMISSION

Don updated the Board on the progress made to date. The hearing determined that due to changes in the Health Laws, tests failed, quality of the soil would not allow a house with more than 1 bedroom. The Commission to meet 12/3 to discuss the options. Dore' didn't' want to send the Town out to do testing. It was decided that if it progress further the Commission would be brought back before the Board to discuss. It is noted that the Town cannot win this suit if filed.

**NESWC
SUIT BY N. ANDOVER and REFINANCING**

Don asked for Board direction on how much resistance we should put forward regarding the suit by N. Andover. It is felt that they will not be able to hold out since they too stand to lose \$300,000/yr and they cannot afford this anymore than we can. It was the sense of the Board that they should bring independent counsel in to bring them up to speed and to take them with them on Thursday to Palmer & Dodge. Don mentioned that along with Jerry Hopcroft working for N. Andover, Ken Mahoney is working for them as well.

The Board adjourned at 11:45 P.M.

Clerk

Date

Christine Joyce
Recording Secty.
cmjW11-(316)

Exhibit B

FY 91 Tax Rates /\$1000

	<u>Residential</u>	<u>Commercial</u>	<u>Spread</u>
Acton	\$12.32	\$13.92	\$1.60
Bedford	9.24	17.79	8.55
Concord	10.18	12.87	2.69
Lexington	11.16	22.28	11.12
Maynard	11.89	19.08	7.19
	10.62	18.01	7.39 avg.

Info faxed from Joe Peters 12/10

ANNE B. FANTON
43 FORT POND ROAD
ACTON, MASSACHUSETTS 01720

December 5, 1992

Editor
Assabey Valley Beacon (Acton Edition)
20 Main Street
Acton, MA 01720

To the Editor:

I appreciated the two letters that were written on the subject of tax classification in last week's Beacon and will take them into consideration the next time I vote on a split tax rate. However, for the purpose of setting the record straight, I would like to address two issues.

There was a suggestion that the Board of Selectmen voted on this important issue without forewarning residents who might have chosen to address it. There were public notices in the Beacon two weeks in a row prior to the hearing, clearly stating what would be decided and when we would vote. Every resident who is interested in local government should scan the legal notices section of the Beacon every week. If the notice is not clear but piques your interest, call the department in Town Hall that is holding the hearing, either Conservation, Planning, Building, Health or in the Selectmen's case, the Town Manager's office. The numbers are in the phone book under Acton.

Secondly, I think the letters suggested that the change from a 10% to a 7.5% shift from residential to commercial would have a significant dollar impact on single family homeowners. (The decision affected the current fiscal year's taxes.) The difference between a 10% shift and a 7.5% shift is 11 cents on the residential tax rate, or \$27.50 on a home valued at \$250,000. However, since Acton's tax base is 79.6% residential and 20.4% commercial/industrial, the difference between a 10% and a 7.5% shift is 43 cents on the commercial/industrial tax rate, creating an increase (or savings) to businesses approximately four times the increase (or savings) to a homeowner. That is part of the dilemma.

I do not minimize any dollar impacts on the homeowner and have said both publicly and privately that I am very concerned with local unemployment, layoffs and the loss of homes, as cited in one letter. However, local businesses are not insulated from these economic conditions. We are all in this together.

Please continue to communicate your concerns by telephone or by letter. I believe sincerely that every town board member welcomes your input before making important decisions.

Sincerely,

Anne Fanton, Selectman

December 8, 1992

Congratulations to Board of Selectmen members Anne Fanton, Norm Lake, and Bill Mullin for the courage and good sense they showed in attempting to make property taxes in Acton more equitable. As a resident of Acton for 40 plus years and the owner of both business and residential properties I feel I can look at both sides of this issue with some impartiality. As a resident all town services are available to me free or for a modest fee.

As a business person many of these same services are non existent or available at exorbitant fees. In an attempt to keep this letter brief, I will cite only one of many examples.

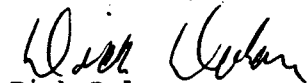
As a resident for \$85.00 I can buy a dump sticker and bring as much trash to the dump for one year as I can haul in the family station wagon. There are signs in the dump that clearly state the average cost to the town per household is \$235.00, A net loss to the town of \$150.00 per year per household. I own two businesses in town, each of which produces about the same amount of trash as a single family household. I can not buy a dump sticker for either one. My trash must be picked up by a contractor, or I must pay for each batch of trash I bring to the dump at the gate. I spend almost \$3000.00 a year having my trash picked up. My feeling is because this town service is denied me \$2830.00 ($3000. - 85 \times 2 = 2830.$) is just an additional property tax I pay each year. An individual abandoned approximately 3 station wagons full of household and personal items at Acton's Main St. Mini Storage my cost to dispose of this stuff at the dump, at the gate was \$96.00. Eleven dollars more than a full year dump sticker, for only one trip to the dump.

The argument that business properties make money so they should pay a disproportionate tax rate is invalid.

Cash flow or income is part of a formula for establishing a properties worth. The Town's assesment of properties is based in part on how much the subject property and those like it sell for. The profit income producing properties make is taxed in yet another creative way called income tax. Ask any banker what income property that produces no income is worth and I think you will find the answer to be zero, nothing.

Take a look around, At the empty store fronts on 2A some of the available space in various office, and industrial parks. There are a lot of for rent signs. No income but they still must pay their property tax. Acton's commercial tax base is not IBM, Ford, or Chrysler but it is the home of many small businesses. The type of businesses that made America great, these people are our friends and neighbors and it is about time they are given a break. Again thank you and I would raise a banner in your praise if only you could do something about the sign bylaw.

Sincerely yours,



Dick Dolan
An Americandoo

c.c. 1605
DEC 9 1992

ACTON SCHOOL COMMITTEE

McCarthy-Towne School
Library

For December 10, 1992 Meeting

AGENDA

- 7:30 I. CALL TO ORDER
- 7:31 II. APPROVAL OF MINUTES OF November 12, 1992 AND STATEMENT OF WARRANT
- 7:35 III. PERIOD OF PUBLIC PARTICIPATION
- 7:45 IV. EDUCATION REPORT -
1. Parker Damon - Festival of Sharing
2. Standardized Testing - Dan Leclerc
- 8:05 V. SUPERINTENDENT'S REPORT FOR THE MONTH OF DECEMBER-
William Ryan
RECOMMENDATIONS
1. Recommend Confirmation of Alternative Hiring Appointment
2. Recommend Approval of Early Retirement Agreements
- 8:45 VI. FOR YOUR INFORMATION
1. *Douglas Digest*
2. McCarthy-Towne School Compendium
3. Personnel Items
4. Use of Space Committee Memo
5. Conant ESL Festival of Holidays
6. Report on Workshop Attendance
7. *Conant Current Events*
- 8:50 VII. WARRANT DISCUSSION
- 8:55 VIII. CONCERNS OF THE BOARD
1. Approval of Contract with Custodial Union
- 9:05 IX. NEXT MEETING - January 14, 1993 - Gates School, 7:30 p.m.
- 9:06 X. EXECUTIVE SESSION
- 9:45 XI. ADJOURNMENT

cc: BOS

ACTON SCHOOL COMMITTEE

DEC - 9 1992

Cafeteria
Douglas School

November 12, 1992

Members Present: Jean Butler, Steve Aronson, Rick Sawyer, Lees Stuntz, Micki Williams

Also Present: Bill Ryan, Dan Leclerc, Fran Leiboff, Mac Reid, Steve Desy, Lisette Kaplowitz, Sandra Wilensky, Karen Walker, Mary Jane Merrill, citizens and press.

The meeting was called to order at 7:30 p.m. by Jean Butler, Chairperson.

Warrant #93-008 in the amount of \$57,291.73 and warrant #92-107 in the amount of \$7,291.44 were signed by the chairperson and circulated to the other members of the Committee.

MINUTES: The minutes of October 15 and 29, 1992 were approved as written.

PUBLIC PARTICIPATION: None.

EDUCATION REPORT: - Student Portfolio Assessment

Lisette Kaplowitz welcomed all to Douglas School and introduced Sandy Wilensky, teacher of grade two, who shared with the Committee what Douglas School teachers were doing with portfolio assessments instead of using check lists when reviewing students' work with parents.

The teacher collects samples of student work in art, writing, and math throughout the year on which no teacher's comments are included and saved in a portfolio. This work is shared with the parents during conferences and now approximately 10-15 pieces of a child's work are sent on to the receiving teacher. Teachers are now working on how to glean information from the portfolio. Mrs. Wilensky reviewed the work of one of her students over a three-year period demonstrating growth over that time.

SUPERINTENDENT'S RECOMMENDATIONS FOR NOVEMBER

It was moved, seconded and unanimously

VOTED: To approve the Organizational Objectives for the 1992-93 school year.

Steve Aronson said the objectives are a major reach for the administration and staff to accomplish some important goals, and realizing this year that the Central Office is under-staffed, indicated the Committee would understand if some goals were not accomplished.

Steve referred to the Objective III. B which deals with the development of bid specifications for custodial contracted services and asked if anything like this had been done before. Bill Ryan said a number of districts have moved to contracted services and the administration will be looking at their experiences and what they pay for these services.

VOTED: To approve the calendar for the 1993-94 school year.

Before the Committee voted on the administration's elementary school space recommendations Bill Ryan said it was clear that Merriam School must be used to solve long term space needs. He said that Merriam was never really closed as it houses the systemwide elementary computer lab, the CASE Alternative High School and, this year, the three McCarthy-Towne sixth grades. Of the twenty rooms at Merriam, one would be needed for a library and one for special education classes leaving 18 classrooms available using the most conservative methodology.

Mac Reid presented enrollment projections for a six year period using the Cohort Survival

Method. Inclusion of school choice numbers did not affect the projections. Steve Aronson asked that although recognizing the efficiency aspect in pulling in choice students to fill empty seats, are we forcing ourselves into a false space problem? Bill emphasized that the space problems are not the result of participation in school choice. Out of 2000 students this year in the elementary grades, 75 are choice students. There has usually been approximately twenty-five out-of-district students who are children of faculty so basically, fifty students out of 2000 are not the cause of the space problem.

Steve Aronson said our class size constraints haven't previously resulted in painful expenses but now they are a penalty which literally have to be paid for. Bill said that Acton's average class sizes are higher than the communities we compare ourselves too, and we are already over class size recommendations in grades 1, 2 and 3. Mac reviewed the estimation of costs including personnel costs for eight bodies and some kind of administration. Steve Aronson said these are generic costs which do not depend on what the Committee decides. There is need for five classrooms with incremental costs with the exception of administrative costs. He asked if there are surplus pieces of furniture, equipment, etc. in the system. Bill said there was some but not much, probably could equip the office. He added there was \$30,000 in the PPEA Grant earmarked for classroom furniture. Micki Williams asked what would make the Merriam School viable. Bill said sufficient enrollment for five classrooms, one of which would be for kindergarten classes. Micki asked Karen Walker if there is a Merriam School, at what point would parents get involved. Karen said there have been committees set up to deal with enrollment process, budget, communication and public relations, curriculum approach and the physical site. Tufts was assisting in service learning and professional development. Steve Aronson wanted to know if the Merriam School did not attract enough students for the 1993-94 school year, would the concept be opened up again the following year or dropped. Bill said his opinion was that it would be a dead issue unless the Committee wanted to force student transfers. Steve said he was worried about dropping a terrific idea for the wrong reason. He said he hated to give up so much research and energy. Bill said practically speaking, the next year there would be a need for even more students to transfer. If it does not fly, many of the ideas could be implemented at the other schools and still develop a relationship with Tufts. Steve asked Dan Leclerc's opinion from a curricular standpoint. Dan said the concept was a curriculum director's dream; it was on the cutting edge of new concepts in education. Jean Butler said this was a rare opportunity, and she would like to clarify the recommendation to allow the Merriam School to try to become a viable school. The discussion was opened to the public before the Committee voted. There were concerns about the lack of a library if sixth graders were satellited to Merriam, a suggestion that if necessary, they could be included as part of the New Concept School and not be considered a satellite of Gates as it was too far away. It was suggested that, if sixth graders were involved, that use of the Junior High facilities such as library, cafeteria, and gym be looked at. There were concerns expressed about costs and the Committee was asked if they had considered other options. Jean Butler said that many different options were investigated including modular classrooms. Bill said that modular classrooms proved to be a very expensive process - \$30,000- \$40,000 a year to rent which did not include installation costs. One parent said he was tired of voting in overrides and would like to know the incremental cost over three years. Steve Aronson said he had a financial background and moved here for the schools. He said that, as a School Committee Member, he is convinced that the system is well-managed and that we are able to do for our children for less money than most other towns do with more money. The Town and School officials decided last year not to have an override. Steve also said we have the kids and we have an alternative - the other side to the equation would be pain he did not think the community would stand for, i.e., doing away with open enrollment and raise class sizes. The parent said there was a need to present a three-year picture so the community could understand the full impact.

VOTED: To approve the implementation of the New Merriam School Concept for the 1993-1994 school year as the best short term and long term solution to the elementary schools' space needs. For the 1993-94 school year, the school will be limited to grades K-5 and specific grade levels determined based on enrollment. Five to

seven classrooms for instruction and the gymnasium will be made available in the Merriam building for the New Merriam School. This plan assumes the use of one classroom for the curriculum specialists' office and the continuing use of the computer lab. The classes will be located in the rooms presently occupied by the McCarthy-Towne sixth grades and the rooms leased by the Infant Toddler Center. The New Merriam School will have to enroll sufficient students to fill five classrooms in order for it to be a viable option for the 1993-94 school year. It is assumed that one classroom (two sections) would consist of kindergarten children. A decision as to its viability is to be made during the third week of February, 1993.

The administration will make every effort possible to accommodate parental choice by using options such as multi-age groupings and class size considerations. If sufficient students have registered for the school by February 19, then the New Merriam School would participate in the regular kindergarten registration process beginning on February 24 at the general kindergarten meeting.

It was moved, seconded and unanimously

VOTED: To approve the administration making recommendations to the School Committee for a satellite configuration for specific classes that would allow the District to meet the short and long term space needs in the event that a sufficient number of students enrolled in the Merriam School to make it viable for meeting systemwide needs without fully alleviating a specific school's need for space. This recommendation, if necessary, would be made to the Committee before kindergarten registration begins.

VOTED: To approve, in the event that the New Merriam School does not attract sufficient students to become viable for the 1993-1994 school year, the following interim plan (one year only) for the next year:

1. McCarthy-Towne continues to satellite their 3 sixth grade classes to the Merriam Building, and they accommodate their additional classroom by eliminating their drama room.
2. Conant accommodates their additional classroom need by eliminating their art room.
3. Douglas accommodates their additional classroom need by satelliting one kindergarten section to the Conant School.
4. Gates accommodates their additional classroom needs by satelliting their three sixth grade sections to the Merriam Building.
5. If there is a need for an additional kindergarten section, (15th section) the administration will make a recommendation to the School Committee regarding the best location for that classroom.

VOTED: To approve the acceptance of funds from the Douglas School PTO to pay the salary of a computer aide at \$11 per hour for 20 hours per month for the 1992-93 school year.

FOR YOUR INFORMATION:

Bill Ryan referred to the official notice of the award of \$180,000 for PPEA funds, \$45,000 of which has been received.

WARRANT DISCUSSION: None

CONCERNS OF THE BOARD: None

NEXT MEETING: December 3, 1992, in the Junior High School Library starting at 7:30 p.m.

EXECUTIVE SESSION: At 10:35 p.m. it was moved, seconded and unanimously

VOTED: To go into executive session to discuss strategies relative to negotiations under Chapter 39, Section 23B, paragraph 3. Each member was polled individually and each voted in the affirmative to go into executive session for the stated purpose.

The Committee returned to open session and adjourned at 11:15 p.m.

Respectfully submitted,

Evelyn I. Smith,
Secretary, Pro Tempore

Acton Recycling Task Force

Meeting Minutes

Date: Friday, November 13, 1992

Location: Room 126, Town Hall

Members present: Nancy Tavernier, Maya Spies, Peggy Mikkola, Rosemary Lundberg, and John Murray

The meeting convened at 9:15 am.

Minutes of the October 7, 1992 meeting were accepted with one change.

Maya reported that she visited BFI's MRF in Hookset, New Hampshire, on October 30th with John Folsom. She presented a book of photos to the Task Force, showing how BFI's sorting center functioned. The Chairman used this book of photos during a tour of the Recycling Center she gave to a girl scout troop on November 12th. The girls were very interested to learn that paper, cans, plastics and glass are often contaminated by unacceptable materials. They assured Nancy that they would tell their parents how to dispose of recyclables properly.

Recycling articles in the Beacon: Two articles have been written and submitted to the Beacon for publication in November and December. Kent Quirk wrote one on composting, and Richard Nurse wrote an article on paper versus plastic shopping bags. Mr. Quirk has expressed interest in writing future articles.

Possible topics for future articles were discussed: juice boxes, why are only #1 and 2 plastics routinely recycled, and why should people recycle if it costs the town money? Maya suggested that a Question & Answer format for future articles might be more inviting to read, particular if questions are solicited from the public.

Polystyrene recycling in the schools: Rosemary reported that she spoke with Mr. John DeLaney about recycling the lunch trays used in the elementary schools every day. He works for the National Polystyrene Recycling Corporation based in New Jersey. Because of high fees to cover the cost of trucking (as high as \$85 per month!), and storage problems in most schools, it was deemed unfeasible to recycle the trays at this time.

The schools have been recycling white paper with E.L. Harvey for a couple of years, at nominal cost, paid for by the PTOs.

Operations report by John Murray:

Recycling RFP – The Town has decided to offer a recycling contract to BFI again. The current program will be replaced by two large containers for all materials, comingled, to be "power rammed" at regular intervals by Town staff, in order to compact the loads and increase tonnage per load. The agreement would probably not include trash/recyclables bartering. BFI's program would cost approximately \$21,000 per year, as well as the one-time cost of installing electrical lines to the Recycling Center.

Grant application – The state will be giving Acton one 40-yard open rolloff, in response to a grant application requesting four bins. Conditions for receipt of this rolloff are not known to date.; to be of use to the Town, a cover needs to be constructed to make it weather-proof.

NESWC update – Several pressing problems include (1) a claim by NESWC that Acton has delivered too much trash to the incinerator and must pay a \$190,000 penalty; this may be resolved when less trash is delivered during the upcoming slow season. (2) A \$300,000 is payment due to NESWC from Acton in FY 93, as part of a \$75 million settlement reached when the incinerator won their claim that the member towns were not providing sufficient energy-producing materials. (3) The incinerator still needs scrubbers, a cost which will be passed on to member towns. (4) NESWC still has no Executive Director or Treasurer.

On the positive side, refinancing of the bond is moving forward which will help to stabilize fees, GAT rates may be reduced by 1994, and Town Managers rather than DPW Directors are becoming more directly involved in NESWC meetings as a result of the recent GAT controversy. In general, John felt that "things are looking brighter" regarding NESWC.

State recycling mandates: The State Auditor has delayed implementation of 1992 recycling bans to April 1993, for those towns operating an approved recycling program. Acton's program meets all the state's standards except the need to have a public education program in place (recycling brochure). The state has also transferred responsibility for enforcing the mandates from incinerator and landfill operators to town governments. There was some discussion regarding the possible need to remove the banners on display at the transfer station which announce that recycling is mandated by the state. No action was taken.

Recycling brochure: Maya announced that she will be moving to California soon and must resign from the Task Force. She provided the Chairman with all the materials used so far to produce the draft recycling brochures, including a Macintosh computer disk. The Chairman reported that members of the League of Women Voters have expressed interest in helping Task Force members to finalize the document for January/February distribution. Some action items are:

- new program description needed from Highway Department.
- decision needed whether to make brochure letter or legal size,
to use "green sheet" format instead (used by Town Clerk),
to include map,
to describe how to start recycling, or
to focus on global reasons to recycle.
- Minuteman Tech High School Printing Dept. must be notified (soy-based ink?)
- Recycled 60 pound paper must be purchased and delivered to MM Tech.

Term of the Task Force expiring in June 1993: Task Force members discussed the need to begin focusing on what recommendations to make to the Board of Selectmen regarding ongoing recycling in the Town, after the Task Force is terminated in June 1993. Should a Town staff member serve as a Recycling Coordinator (are there any state requirements)? Should the scope of recommendations include only the Recycling Center or a larger picture? What will become of the series of articles on recycling in the Beacon when the Task Force expires? Should school/scout groups be actively encouraged to tour the Recycling Center?

Other issues:

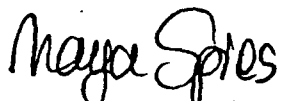
The Concord schools have asked the Town of Acton if they can bring their trash to Acton's transfer station for a fee. This could ameliorate Acton's financial outlay to NESWC.

The possibility of inviting other people to join the Task Force was discussed, from groups which have already been actively involved, such as the League of Women Voters, the Conservation Trust, and the Jr. Womens Club. No action was taken.

The meeting was adjourned at 10:25 am.

Our next meeting is scheduled for Friday, December 4, 1992 at 9:15 am.

Respectfully submitted,



Maya Spies, Clerk (resigned)

cc: Town Clerk, Board of Selectmen

TOWN OF ACTON
THE BOARD OF SELECTMEN
472 Main Street
Acton, Massachusetts 01720
Telephone (508) 264-9612
Fax (508) 264-9630

Nancy Tavernier, Chairperson
F. Dore' Hunter, Vice Chairperson
Anne B. Fanton, Clerk

December 7, 1992

Gregory Niemyski, Chairperson
Acton Planning Board
472 Main Street
Acton, MA 01720

Dear Mr. Niemyski,

The Board of Selectmen has reviewed your decision to grant a "Common Drive Special Permit" for 179 Pope Road in Acton. The Board of Selectmen is concerned that the Planning Board would grant the petitioner's request for a partial waiver of the fee required to file a Common Drive Special Permit Application.

The Board of Selectmen fully discussed with the Planning Board their responsibility to the taxpayer, to the Coordinating Committee, and the School Committees for the amount of Fee Income on May 26, 1992. Subsequent to that discussion and on the advice of Town Counsel, The Board of Selectmen on May 26, 1992 approved a policy which states that the approval of all fee waiver requests is the sole discretion of The Board of Selectmen.

Therefore, The Board of Selectmen by unanimous vote on December 1, 1992 declared that the Planning Board's decision to approve a partial fee waiver of the Common Drive Special Permit Application Fee for 179 Pope Rd. a nullity and void. Further by unanimous vote on December 1, 1992, The Board of Selectmen voted to grant a waiver of \$1000.00 (reducing the required fee from \$1,300.00 to \$300.00) for the above mentioned special permit application fee.

In summary, fee income is an important component of the Town's total financial picture, and partially pays for the services that the municipality and the schools provide to the community. While there is no specific law which allows for or prohibits the full or partial abatement of a fee, the Board of Selectmen feels a situation may exist which requires such a rebate. In order to insure that the waiver of any fee does not appear to be arbitrary or capricious to any individual and to the Town's financial situation, the Board of Selectmen will make such decision in public session in full view of those present, the television audience and the print media.

Thank you for your time and consideration.

Sincerely Yours,

Nancy Tavernier

Nancy Tavernier
Chairperson

bcc: Bob
Garry Rhodes

BOS
cc: Bob Craig 7/2/8

225 Newtown Road
Acton, Massachusetts 01720
November 29, 1992

Don Johnson, Town Manager
Town of Acton
472 Main Street
Acton, Massachusetts 01720

Dear Don:

Mother had planned to write this letter herself, but in the end she gave me a "list of letters" to write. She wanted to express our appreciation for the fine service of the Acton Fire Department Ambulance and the Department Dispatchers.

When she was taken ill last July not only were they prompt and efficient but they were caring and considerate of me. The call in October was much the same. For that we are ever grateful.

I do not know all the names of the firemen who came on those two calls or of both dispatchers, (Sunday, July 19th at 9:30 A.M., and Saturday, October 10th at 9:00 A.M.) but our sincere thanks to all of them for a job well done.

Mother always felt very strongly about keeping the emergency services local. In times of crisis it is very important to have that sense of caring, a true neighbor helping neighbor feeling, even in a highly professional service.

Please convey to Chief Craig our thanks for the prompt, professional as well as sensitive care of his department.

Sincerely yours,



(Miss) Isabella V. Choate

enc:1

Acton Beacon
to the Editor

At this time of year we tend to consider the many things that we can be thankful for in our community. We, in Acton are blest to have Emerson Hospital with its dedicated staff , and our own fine team of EMT's on the Acton Fire Department.

Unfortunately, these are things that you only come to know through adversity. During this past year my mother was transported twice to Emerson by our Acton Ambulance. She, herself ,wanted them thanked for their prompt,professional as well as sensitive care.

The staff of Emerson's ICU and Respiratory Departments are to be commended for their care and support during her last weeks.

Sometimes we loose sight of the better side of the community in which we live, behind all the numbers and problems associated with health care services today. Emerson Hospital and our local EMT's are a part of that better side.

For that kind of care and dedication all of us as a community should be ever grateful.

Isabella V. Choate
225 Newtown Road
Acton
263-5229

cc: Bas
**Town
Information**

**TOWN OF ACTON
BUILDING DEPARTMENT**

**GARRY A. RHODES
BUILDING COMMISSIONER**

472 Main Street Acton, Massachusetts 01720

(508)264-9632

November 24, 1992

Mr. William Yetman
263 Main Street
Acton, MA 01720

Re: Occupancy Permit, No. 12560

Dear Mr. Yetman:

There appears to be some confusion regarding the use of your two new automotive repair bays. You are presently using them to store mufflers without the benefit of an occupancy permit. You must remove the mufflers forthwith and cease any use thereof, except for completion of the construction work as permitted by Building Permit No. 12560. I will take this opportunity to outline exactly what needs to be done in order for this department to issue the occupancy permit.

I. The Building:

- a. we have not yet reviewed or received the structural plans prepared by your engineer. These plans were required when you increased the size of your building beyond 35,000 cubic feet, Massachusetts State Building Code (MSBC) Section 127.1.
- b. you must remove the storage area above the present building. This increase in floor area places you in violation of Acton Zoning Bylaw (AZBL), Section 10.4.1. Section 10.4.1 limits expansion to 1200 square feet without Site Plan Special Permit approval. This was the solution that was agreed to when I first issued a "stop work order" when you increased the size of the building in excess of 1200 square feet.
- c. all the siding needs to be completed. The area you painted gray also needs to be sided, see MSBC, Section 2104.1.
- d. you need to complete the enclosed occupancy permit.

II. The Site:

- a. the landscaping/parking lot needs to be completed according to the plans as approved by the Board of Appeals decision 91-14.
- b. it will be necessary to remove all U-Haul trucks from the site. You only have the minimum parking needed to meet the zoning

(2)

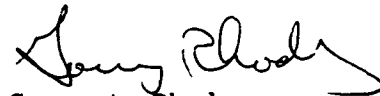
requirements for the addition not for any U-Haul vehicles, see AZBL, Section 6.2.

- c. you have a sign located in the back of a pickup truck. This has to be removed from the site in that it is in violation of AZBL, Section 7.3.4.

I will also be requesting, when you appear before the Board of Appeals on December 14, 1992, that they allow me to issue you an occupancy permit before the parking/landscaping is done. I will suggest that a cash security of \$4,000 be held by the Town until such time as the site is completed. This amount is well in excess of the cost of the completion of the work. I would suggest a lesser amount if the berm and loam is in place by that time. It is my opinion that enough time remains before December 14 for you to complete the landscaping and berm with the exception of the required plantings.

As you can see, you need to complete several items before an occupancy permit can be issued. Until such time you must cease use of the building except to complete the above items. If you fail to cease, we will take legal action.

Sincerely,



Garry A. Rhodes
Building Commissioner

GAR/vjs

cc: Charles Kadison, Attorney
Town Manager

Certified

The Commonwealth of Massachusetts State Ethics Commission

John W. McCormack State Office Building, Room 619
One Ashburton Place, Boston 02108
Telephone (617) 727-0060
Fax (617) 723-5851

December 3, 1992

John Murray
Town of Acton
472 Main Street
Acton, MA 01720

CONFIDENTIAL

Dear Mr. Murray:

This is in response to your recent request for advice under the Massachusetts conflict of interest law, G.L. c. 268A.

As we understand it, a rider lawn mower has been declared "surplus property" by the Board of Selectmen (Board). The mower was used by the cemetery division. The process for declaring this item to be "surplus" was as follows: First, the head of the cemetery division made a recommendation to the head of the municipal properties division that the property should be declared "surplus." The head of the properties division then made a recommendation to the town manager regarding the status of this item. The town manager then advised the Board on the need for this item. Finally, the Board declared the item to be "surplus," and published an advertisement in a local paper requesting sealed bids for the sale of the mower. The three following bids were submitted:

1. \$400.00 from the Fire Chief
2. \$431.51 from the Cemetery Division Head
3. \$501.00 from the Municipal Properties Department Head.

You wish to know whether the Town may sell the mower to any of the bidders.

Based on the facts as you have described them, I can informally provide you with

John Murray
December 3, 1992
Page 2

the following advice under c. 268A.^{1/} Section 20 is relevant to your inquiry.

Section 20

Section 20 prohibits a municipal employee^{2/} from having a financial interest, directly or indirectly, in a contract made by a municipal agency^{3/} of the same city or town, in which the city or town is an interested party of which financial interest he has knowledge or has reason to know, unless an exemption applies. Each bidder clearly would have a financial interest in the acceptance of his bid.

Section 20(b) provides that a municipal employee who is not employed by the contracting agency or an agency which regulates the activities of the contracting agency and who does not participate in^{4/} or have official responsibility^{5/} for any of the activities of the contracting agency, if the contract is made after public notice or where applicable, through competitive bidding, and if the municipal employee files with the clerk of the city or town a statement making full disclosure of his interest and the interest of his immediate family.

^{1/}Although you are entitled to a formal Commission ruling, this advice is based upon relevant Commission precedent.

^{2/}"Municipal employee," a person performing services for or holding an office, position, employment or membership in a municipal agency, whether by election, appointment, contract of hire or engagement, whether serving with or without compensation, on a full, regular, part-time, intermittent, or consultant basis, but excluding (1) elected members of a town meeting and (2) members of a charter commission established under Article LXXXIX of the Amendments to the Constitution. G.L. c. 268A, §1(g).

^{3/}"Municipal agency", any department or office of a city or town government and any council, division, board, bureau, commission, institution, tribunal or other instrumentality thereof or thereunder. G.L. c. 268A, §1(f)

^{4/}"Participate," participate in agency action or in a particular matter personally and substantially as a state, county or municipal employee, through approval, disapproval, decision, recommendation, the rendering of advice, investigation or otherwise. G.L. c. 268A, §1(j).

^{5/}"Official responsibility," the direct administrative or operating authority, whether intermediate or final, and either exercisable alone or with others, and whether personal or through subordinates, to approve, disapprove or otherwise direct agency action. G.L. c. 268A, §1(i).

John Murray
December 3, 1992
Page 3

The Fire Chief can take advantage of the §20(b) exemption because he fulfills all of the §20(b) requirements. The Fire Department is not the contracting agency. As Fire Chief, he does not participate in or have official responsibility for activities of the contracting agencies, and the mower was offered for sale after public notice for competitive bidding. Therefore, if he files a disclosure with the town clerk, his bid would not violate the conflict of interest law.

The analysis is not as straight-forward for the heads of the cemetery division and properties department. For them, the issue is whether or not their agencies have "official responsibility" for some activity (i.e., this bid) and are therefore "contracting agencies" for the purpose of the conflict of interest law. Since both agencies played a direct and substantial role in recommending that the mower be declared surplus property, it is my opinion that both the cemetery division and properties department are the contracting agencies for §20 purposes. Thus, the §20(b) exemption would not be available for the heads of these agencies.

However, if the heads of the cemetery division and the properties department are considered "special municipal employees,"^{6/} they may be able to obtain an exemption to §20 under §20(d). (Special municipal employee status is unavailable for full-time

^{6/}"Special municipal employee", a municipal employee who is not a mayor, a member of the board of aldermen, a member of the city council, or a selectman in a town with a population in excess of ten thousand persons and whose position has been expressly classified by the city council, or board of aldermen if there is no city council, or board of selectmen, as that of a special employee under the terms and provisions of this chapter; provided, however, that a selectman in a town with a population of ten thousand or fewer persons shall be a special municipal employee without being expressly so classified. All employees who hold equivalent offices, positions, employment or membership in the same municipal agency shall have the same classification; provided, however, no municipal employee shall be classified as a "special municipal employee" unless he occupies a position for which no compensation is provided or which, by its classification in the municipal agency involved or by the terms of the contract or conditions of employment, permits personal or private employment during normal working hours, or unless he in fact does not earn compensation as a municipal employee for an aggregate of more than eight hundred hours during the preceding three hundred and sixty-five days. For this purpose compensation by the day shall be considered as equivalent to compensation for seven hours per day. A special municipal employee shall be in such status on days for which he is not compensated as well as on days on which he earns compensation. All employees of any city or town wherein no such classification has been made shall be deemed to be "municipal employees" and shall be subject to all the provisions of this chapter with respect thereto without exception. G.L. c. 268A, §1(n).

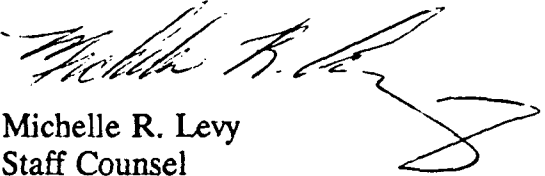
John Murray
December 3, 1992
Page 4

employees.) Section 20(d) states that a special municipal employee who files a disclosure statement regarding his interest with the town clerk *and* obtains an approval of this exemption from the Board is not bound by the prohibitions of §20.

In conclusion, the Fire Chief may contract for the mower if he files a statement with the Town Clerk under §20(b). However, the heads of the cemetery division and the properties department may not contract for the mower unless they fulfill the following requirements of §20(d): (1) they obtain special municipal employee status (2) they file a disclosure statement with the Town Clerk, *and* (3) they are granted an exemption form this section by the Board of Selectmen.

I hope that this information has been helpful. Please call me if you have any additional questions.

Sincerely,



Michelle R. Levy
Staff Counsel

Enclosures: Cited Materials

S:\LG\LEVY\MURRAY

The Commonwealth of Massachusetts State Ethics Commission

John W. McCormack State Office Building, Room 619
One Ashburton Place, Boston 02108
Telephone (617) 727-0060
Fax (617) 723-5851

COMMISSION FACT SHEET

"SPECIAL" MUNICIPAL EMPLOYEES

The conflict of interest law covers all municipal employees, whether elected or appointed, paid or unpaid, full-time or part-time. However, two sections of the conflict law apply less restrictively to those part-time or unpaid municipal officials who have been designated as "special municipal employees."

Special municipal employee status can be assigned to certain municipal positions by a vote of the board of selectmen, board of aldermen, city council or town council. Several specific municipal positions are automatically designated as "special" under the law. You are eligible to be designated as a special municipal employee provided that:

1. you are not paid; or
2. you hold a part-time position that allows you to work at another job during normal working hours; or
3. you were not paid by the city or town for more than 800 working hours (approximately 20 weeks full-time) during the preceding 365 days.

It is the municipal position that is designated as having special status, not the individual. Therefore, all employees holding the same office or position must have the same classification as special. For instance, one member of a school committee cannot be classified as a special unless all members are similarly classified.

The designation may be made by a formal vote of the board of selectmen or city council at any time. Votes should be taken individually for each board or position being designated -- expressly naming the positions being designated. Once a position is designated as having special status, it remains a special municipal employee position unless and until the classification is rescinded. A list of all the special municipal employee positions should be on file at the town or city clerk's office. This list should also be filed with the Ethics Commission.

Under no condition may a mayor, alderman, city councillor, town councillor or selectman in a town with a population of more than 10,000 be designated as a special. However, in towns of 10,000 or fewer, selectmen are automatically considered special employees. Other municipal employees in towns with a population of less than 10,000 must still be designated as specials by the selectmen.

The Legislature may also designate certain positions to have automatic special municipal employee status. For example, members of local housing and redevelopment authorities are defined by law as special municipal employees and do not need to have local authorities approve their designation as specials. (See G.L. c. 121B, §7.)

THE CONFLICT LAW IS LESS RESTRICTIVE FOR "SPECIALS"

Only two sections of the conflict of interest law apply less restrictively to specials -- Sections 17 and 20. All other sections of the conflict law that govern municipal employees apply to special municipal employees in exactly the same way. See a **Summary of the Conflict Law for Municipal Officials** or the **Practical Guide to the Conflict Law for Municipal Employees** for information on your responsibilities under the law. (These publications are available from the Commission's office.) Remember that even if you serve on an unpaid, part-time board or commission, you are still considered a municipal employee and will be viewed as a "regular" municipal employee, unless your position has been expressly designated as a special municipal employee position.

Section 17 -- What you can do in your private employment

In general, Section 17 prohibits municipal employees from acting as the agent or attorney for a private party before all town boards or departments, and from receiving private compensation "in relation to" matters that come before any town boards and departments.

If you are a special, however, you may represent private parties before town boards (other than your own) provided you have not officially participated in the matter and the matter is not now (and was not within the past year) within your official responsibility. You may also receive private compensation in relation to matters that come before town boards other than your own, under the same conditions.

Example: You are a conservation commissioner. Conservation commission members have been given special municipal employee status. You are also an engineer in private practice in town. You may be hired as site engineer and represent a private development company in a controversy regarding a subdivision plan before the planning board. But if the matter before the planning board was centered on a wetland dispute that the conservation commission was involved with, you could not represent the developer before the planning board, because the matter is under your official responsibility as conservation commissioner.

Section 20 -- Restrictions on having contracts with the town and holding multiple positions

Municipal employees generally may not have contracts with their own city or town, nor hold a second municipal position that is appointed and paid. However, municipal employees -- regular or special -- may:

1. hold any number of appointed unpaid positions.
2. hold any number of elected unpaid positions.

3. hold any number of elected paid positions. Yes, you can receive pay for all of them.
4. hold more than one paid position provided that the jobs are in separate agencies (that do not have overlapping responsibilities) and all paid jobs have been publicly advertised and that all but one of the paid jobs are for less than 500 hours per year (about 10 hours per week). (Note: There are additional technical requirements you must meet, including public disclosure and the requirement that the board of selectmen (or your city/town's equivalent "governing board") must approve of your holding more than one paid position. Contact your city or town counsel or the Ethics Commission for advice before taking a second paid municipal job.)
5. have a contract with the town provided that the contract is with an agency totally independent of where you work, there is no overlap between the agencies, and the contract has been publicly advertised or competitively bid. (Again, you must disclose this contract in writing to the town clerk.)

Selectmen, town clerks and executive secretaries have special rules that apply specifically to them.

Municipal employees in a town with a population of less than 3,500 may hold more than one paid appointed position if the board of selectmen formally approves the additional appointments. The employees do not need to be designated as specials in communities with a population of less than 3,500.

Additional Section 20 exemptions for "specials."

If you hold an unpaid special position, you may also:

1. hold a second paid position or have a town contract if the agencies are separate and their responsibilities do not overlap. There is no requirement that the jobs be publicly advertised. Before taking the second job or accepting the contract, you must file a disclosure listing the two jobs or the contracts with the clerk. You do not need the approval of the board of selectmen.
2. be hired or contract with your own department or a department under your supervision if you receive formal approval from the city council, board of selectmen or board of aldermen. Again, you must file a disclosure with the city or town clerk.

Example: You are on the unpaid board of health. You are a special. You may have a paid consulting contract with the highway department regarding road construction or you could be hired as the paid full-time dog officer because you do not, as a board of health

member, have any responsibility for these agencies. You must file a disclosure with the town clerk listing your two jobs and what you are paid.

Example: You are on the unpaid school committee. You own a hardware store in town. You may not sell light bulbs to the school department because the school department is under your official responsibility. However, if the board of selectmen formally approve the arrangement, you may contract with the school department. You must file a disclosure statement with the town clerk.

If you hold a paid "special" position:

1. you may hold a second paid position but the second position must be designated as a special municipal position as well. The jobs must be in separate agencies that do not overlap and you must file a disclosure statement with the town or city clerk.
2. If the second paid position is not designated as a special position, then the job must be publicly advertised. As above, the jobs must be in separate agencies that do not have overlapping responsibilities, and you must meet further technical requirements, including public disclosure and approval by the selectmen or city council. (Get advice from the Ethics Commission on further requirements.)
3. You may have a contract with a town agency as long as the contract is with a separate agency that does not overlap with yours and you disclose it in writing to the town clerk.

* * *

The definition of special municipal employee can be found in Section 1(n) of the conflict of interest law (G.L. c. 268A).

* * *

Commission Fact Sheets are prepared and issued by the Public Education Division of the State Ethics Commission. They are intended to provide guidance to public officials and employees concerning practical applications of the conflict law.

For specific advice about your own conduct, please contact the Legal Division of the State Ethics Commission at the telephone number provided on the letterhead.

ISSUED: May 1987
REVISED: March 1990
REVISED: August 1992

268A:19. Municipal employees, relatives or associates financial interest in particular matter.

Section 19. (a) Except as permitted by paragraph (b), a municipal employee who participates as such an employee in a particular matter in which to his knowledge he, his immediate family or partner, a business organization in which he is serving as officer, director, trustee, partner or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest, shall be punished by a fine of not more than three thousand dollars or by imprisonment for not more than two years, or both.

(b) It shall not be a violation of this section

- (1) if the municipal employee first advises the official responsible for appointment to his position of the nature and circumstances of the particular matter and makes full disclosure of such financial interest, and receives in advance a written determination made by that official that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the employee, or
- (2) if, in the case of an elected municipal official making demand bank deposits of municipal funds, said official first files with the clerk of the city or town, a statement making full disclosure of such financial interest, or
- (3) if the particular matter involves a determination of general policy and the interest of the municipal employee or members of his immediate family is shared with a substantial segment of the population of the municipality.

268A:20. Municipal employees: financial interest in contracts: holding one or more elected positions.

Section 20. (a) A municipal employee who has a financial interest, directly or indirectly, in a contract made by a municipal agency of the same city or town, in which the city or town is an interested party of which financial interest he has knowledge or has reason to know, shall be punished by a fine of not more than three thousand dollars or by imprisonment for not more than two years, or both.

This section shall not apply if such financial interest consists of the ownership of less than one percent of the stock of a corporation.

This section shall not apply

(a) to a municipal employee who in good faith and within thirty days after he learns of an actual or prospective violation of this section makes full disclosure of his financial interest to the contracting agency and terminates or disposes of the interest, or

(b) to a municipal employee who is not employed by the contracting agency or an agency which regulates the activities of the contracting agency and who does not participate in or have official responsibility for any of the activities of the contracting agency, if the contract is made after public notice or where applicable, through competitive bidding, and if the municipal employee files with the clerk of the city or town a statement making full disclosure of his interest and the interest of his immediate family, and if in the case of a contract for personal services

- (1) the services will be provided outside the normal working hours of the municipal employee,
- (2) the services are not required as part of the municipal employee's regular duties, the employee is compensated for not more than five hundred hours during a calendar year,
- (3) the head of the contracting agency makes and files with the clerk of the city or town a written certification that no employee of that agency is available to perform those services as part of their regular duties, and
- (4) the city council, board of selectmen or board of aldermen approve the exemption of his interest from this section, or

(c) to a special municipal employee who does not participate in or have official responsibility for any of the activities of the contracting agency and who files with the clerk of the city or town a statement making full disclosure of his interest and the interests of his immediate family in the contract, or

(d) to a special municipal employee who files with the clerk of the city, town or district a statement making full disclosure of his interest and the interests of his immediate family in the contract, if the city council or board of aldermen, if there is no city council, board of selectmen or the district prudential committee, approve the exemption of his interest from this section, or

(e) to a municipal employee with a population of less than thirty-five thousand inhabitants in the United States or any other source in connection with the rental, improvement or rehabilitation of his residence to the extent permitted by the funding agency, or

(f) to a municipal employee if the contract is for personal services in a part time, call or volunteer capacity with the police, fire, rescue or ambulance department of a fire district, town or any city with a population of less than thirty-five thousand inhabitants; provided, however, that the head of the contracting agency makes and files with the clerk of the city, district or town a written certification that no employee of said agency is available to perform such services as part of his regular duties, and the city council, board of selectmen, board of aldermen or district prudential committee approve the exemption of his interest from this section or

(g) to a municipal employee who has applied in the usual course and is otherwise eligible for a housing subsidy program administered by a local housing authority, unless the employee is employed by the local housing authority in a capacity in which he has responsibility for the administration of such subsidy programs, or

(h) to a municipal employee who is the owner of residential rental property and rents such property to a tenant receiving a rental subsidy administered by a local housing authority, unless such employee is employed by such local housing authority in a capacity in which he has responsibility for the administration of such subsidy programs.

This section shall not prohibit an employee or an official of a town from holding the position of selectman in such town nor in any way prohibit such an employee from performing the duties of or receiving the compensation provided for such office; provided, however, that such selectman shall not, except as hereinafter provided, receive compensation for more than one office or position held in a town, but shall have the right to choose which compensation he shall receive; provided, further, that no such selectman may vote or act on any matter which is within the purview of the agency by which he is employed or over which he has official responsibility; and, provided further, that no such selectman shall be eligible for appointment to any such additional position while he is still a member of the board of selectmen or for six months thereafter. Any violation of the provisions of this paragraph which has substantially influenced the action taken by any municipal agency in any matter shall be grounds for avoiding, rescinding or cancelling the action on such terms as the interest of the municipality and innocent third parties may require.

This section shall not prohibit any elected official in a town, whether compensated or uncompensated for such elected position, from holding one or more additional elected positions, in such town, whether such additional elected positions are compensated or uncompensated.

This section shall not prohibit an employee of a municipality with a town council form of government from holding the elected office of councillor in such municipality, nor in any way prohibit such an employee from performing the duties of or receiving the compensation provided for such office; provided, however, that no such councillor may vote or act on any matter which is within the purview of the agency by which he is employed or over which he has official responsibility; and provided, further, that no councillor shall be eligible for appointment to such additional position while a member of said council or for six months thereafter. Any violation of the provisions of this paragraph which has substantially influenced the action taken by a municipal agency in any matter shall be grounds for avoiding, rescinding or cancelling such action on such terms as the interest of the municipality and innocent third parties require. No such elected councillor shall receive compensation for more than one office or position held in a municipality, but shall have the right to choose which compensation he shall receive.

This section shall not prohibit an employee of a housing authority in a municipality from holding any elective office, other than the office of mayor, in such municipality nor in any way prohibit such employee from performing the duties of or receiving the compensation provided for such office; provided, however, that such elected officer shall not, except as otherwise expressly provided, receive compensation for more than one office or position held in a municipality, but shall have the right to choose which compensation he shall receive; provided further that no such elected official may vote or act on any matter which is within the purview of the housing authority by which he is employed; and provided further that no such elected official shall be eligible for appointment to any such additional position while he is still serving in such elective office or for six months thereafter. Any violation of the provisions of this paragraph which has substantially influenced the action taken by the housing authority in any matter shall be grounds for avoiding, rescinding, or cancelling the action on such terms as the interest of the municipality and innocent third parties may require.

This section shall not prohibit an employee in a town having a population of less than three thousand five hundred persons from holding more than one appointed position with said town, provided that the board of selectmen approves the exemption of his interest from this section.

TOWN OF ACTON

PLANNING DEPARTMENT

472 Main Street, Acton, MA 01720

(508) 264-9636

December 8, 1992

Mr. Eric Smith
R. Smith Associates
292 Great Road
Acton, MA 01720

DEC - 9 1992

re: Audubon Hill Red-line Change

Dear Eric:

The Planning Board reviewed your letter of December 1, 1992 in which you request the Board to allow a change from the approved building specifications for the Senior Center at Audubon Hill during their meeting of December 7, 1992. You propose to install vinyl clapboard siding instead of the wood stained clapboard siding specified on the approved plan.

The Planning Board received support for your request from Mrs. Carol Lake of the Council on Aging and voted, by unanimous vote on December 7, 1992, to authorize the requested change to the plan.

If you have any questions concerning this matter, please do not hesitate to contact this office.

Sincerely,



Donna Jacobs
Assistant Planner

cc: G. Rhodes, Building Commissioner
D. Johnson, Town Manager
C. Lake, Council on Aging

CC: BOS

TOWN OF ACTON

INTEROFFICE COMMUNICATIONS

DEC - 9 1992

DATE: December 8, 1992

TO: DEPARTMENT HEADS/SCHOOL DEPARTMENT
FROM: Roy Wetherby
SUBJECT: Workers' Compensation Reporting Change

Our workers' compensation insurance provider, Massachusetts Interlocal Insurance Association (MIIA) has initiated an Early Intervention Program to help us reduce the number of lost workdays and additional insurance costs.

MIIA has retained Health Resources, Inc. to administer this program. Health Resources will have a Certified Occupational Health Nurse following or "case managing" each lost time case and those which may have the potential to become lost workdays.

The town has designated Alice Shepherd as the Town Coordinator for this program. In order for us to obtain the maximum benefit from this innovative program, it is essential that you report all workers' comp accidents to Alice by telephone immediately so that she can contact the Occupational Health Nurse as soon as possible. In order for the program to have maximum impact, the nurse must make contact with the injured employee within 24 hours of the injury. To accomplish this goal it is imperative that you make phone contact with Alice as soon as you are aware of any workers' compensation injury.

The Early Intervention Program's goals are to help ensure that injured employees are receiving the proper medical attention, that medical instructions are being followed, and that the employee will be able to return to their work duties as soon as possible.

We feel that this program, which is being provided by MIIA at no charge, will have a positive impact on our workers' compensation insurance costs. However you cooperation is essential to its success.

Please contact Alice or me if you have any questions.

Roy Wetherby

ANDERSON & KREIGER
ATTORNEYS AT LAW

DEC - 8 1992

Western Mass. Office:

20 Federal Street, Suite 1
Greenfield, MA 01301
(413) 774-3392
FAX (413) 772-2558

STEPHEN D. ANDERSON
(ALSO ADMITTED IN CT)

ARTHUR P. KREIGER
(ALSO ADMITTED IN NY)

GEORGE A. HALL, JR.

ALLAN R. FIERCE
(ALSO ADMITTED IN IL)

CYNTHIA HESLEN
(ALSO ADMITTED IN VT)

The Bulfinch Building
47 Thorndike Street
Cambridge, MA 02141
(617) 252-6575
FAX (617) 252-6899

December 4, 1992

cc: B's
1st 10 only

Edmond Benoit
Department of Environmental Protection
Central Region
75 Grove Street
Worcester, MA 01605

RE: Town of Acton v. W.R. Grace & Co. - Conn.

Dear Mr. Benoit:

Don Johnson, Town Manager of the Town of Acton, previously requested a meeting with you and Merrill Hohman at EPA to discuss this matter. In anticipation of such a meeting, enclosed is a copy of the first draft of a proposed Affidavit for your review, modification and ultimate signature.

This Affidavit provides a general outline of the information that the Town of Acton would like represented by DEP concerning the Town's efforts to comply with the National and Massachusetts Contingency Plans. I will contact you to set a time to discuss your affidavit.

Sincerely,



Stephen D. Anderson

SDA/sw
Enclosure

cc: Don Johnson ✓

act/cost/339/benoit.001

ANDERSON & KREIGER
ATTORNEYS AT LAW

DEC - 8 1992

STEPHEN D. ANDERSON
(ALSO ADMITTED IN CT)

ARTHUR P. KREIGER
(ALSO ADMITTED IN NY)

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Western Mass. Office:

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Greenfield, MA 01301
(413) 774-3392
FAX (413) 772-2558

cc: BOS

1 of 10 only

December 4, 1992

Gretchen Muench
Office of Regional Counsel
U.S. Environmental Protection Agency
Region I
JFK Federal Building
1 Congress Street
Boston, MA 02203

RE: Town of Acton v. W.R. Grace & Co. - Conn.

Dear Ms. Muench:

At the request of Richard Boynton, enclosed is the first draft of the proposed Affidavit of Merrill Hohman. Please convey the Affidavit to Mr. Hohman for his consideration, review, modification and ultimate signature.

This Affidavit provides a general outline of the information that the Town of Acton would like represented by EPA concerning the Town's efforts to comply with the National and Massachusetts Contingency Plans.

Don Johnson, Town Manager of the Town of Acton, previously requested a meeting with Mr. Hohman to discuss this same matter. I will contact you to set a time to discuss the Affidavit with Mr. Hohman.

Sincerely,



Stephen D. Anderson

SDA/sw
Enclosure

cc: Don Johnson ✓

act/cost/339/muench.001



environmental engineers, scientists,
planners, & management consultants

cc: B93

1st page only

CAMP DRESSER & MCKEE INC.

Ten Cambridge Center
Cambridge, Massachusetts 02142
617 252-8000

December 2, 1992

Ms. Lynne Jennings
U.S. Environmental Protection Agency
Waste Management Division
Region I, 90 Canal Street
Boston, MA 02114
and
Mr. Edmond G. Benoit
Regional Engineer
Bureau of Waste Cleanup
Massachusetts Department of
Environmental Protection
75 Grove Street
Worcester, MA 01605

DEC - 7 1992

Subject: W.R. Grace & Co., Acton, Massachusetts
Proposed Schedule for the Pump Test

Dear Ms. Jennings and Mr. Benoit:

On behalf of W.R. Grace & Co., Camp Dresser & McKee Inc. (CDM) hereby submits the revised schedule for the pump tests at the MLF, ELF and WLF (see Attachment A). The revised schedule illustrates the installation of three additional overburden wells (see Attachment B) to monitor groundwater table depression and recovery throughout the pump test. The schedule also reflects an increase in pumping duration from 3 days to 5 days that we now believe is necessary to develop a sufficiently large area of influence.

The need for additional monitoring wells are based on the findings of the 8-hour step test and previous information from ELF and WLF.

A preliminary evaluation of the 8-hour step test for MLF was performed. The specific capacity (gallons per minute per foot of drawdown that a well yields) for MLF is shown on Table 1. The results indicate that 40 to 50 gpm pumping rate at MLF, the approximate drawdown expected at certain distances from the MLF pumping well, during testing, would be as follows:

- 1 day - 100 ft a drawdown of 0.40 ft/200 ft a drawdown of 0.10 ft

Hanscom Field Advisory Commission 1992 Annual Report for Acton

7/2/97

The HFAC consists of 16 voting members; 10 represent 6 local towns, 4 represent local civic organizations, and the remaining 6 represent businesses that use Hanscom Field. MASSPORT and the U.S. Air Force attend every meeting, however they have no voting rights. This report is a summary of those issues that impact Acton. For more detailed information, minutes of each meeting are on file at the Acton Library.

The subject of airport generated noise is still the major topic of interest. The level of noise as reported by MASSPORT has slowly but consistently increased over the past twelve months. Although the number of private plane flights has decreased, the number of military flights has increased. Since the military planes are much noisier, they are the primary reason for the noise increase. None of these aircraft are based at Hanscom. They are all transient, such as Medivac and must use Hanscom Field now that several regional military bases have been closed.

The increase in noise levels was detected several years ago which was the reason that MASSPORT initiated the Part 150 study in January 1990. Completion of the study has been hampered because the original contractor withdrew in 1991 and MASSPORT did not select a replacement (Harris, Miller, Miller, and Hanson) until early this year. Progress , at the moment, is at a stand still pending resolution of several non-technical issues between MASSPORT and the four abutting towns (Lincoln, Concord, Bedford, and Lexington). Lack of noise data from the Part 150 Study has put the update of the Hanscom Field Generic Environmental Impact Report (GEIR) on hold. It is reasonable to expect both of these reports to be completed in 1993.

Massachusetts thru the Massachusetts Aeronautics Commission has continued it's interest in meeting the future needs of the state for intercity transportation. Earlier this year this took the form of a search for a potential second airport to support Logan. This study ended with the conclusion that either the Ft. Devon site or one in Winchendon could meet the requirements established during the study. Further study is necessary to determine the accuracy of the "Logan air traffic" projections and to factor into the study other means of transportation, both air and ground. This new study is called the Strategic Assessment Report (SAR). The SAR is scheduled for completion is April 1993. A copy of the Project Notebook, on file at the Acton library, contains a schedule of future meetings that are open to the public. A regional study involving the six New England states is also in progress under the title The Intermodal Study.


Ken Klemmer, Acton Representative

Fran A. MacIntyre, Alternate

cc: Volunteer Coordinating Committee

TOWN OF ACTON
INTER-DEPARTMENTAL COMMUNICATION

December 14, 1992

TO: Board of Selectmen
FROM: Tom Tidman, Conservation Administrator
SUBJECT: Bowen Land Gift as Conservation Land

Every now and again a parcel of land is offered to the Town so unique that special consideration must be afforded it. The Bowen Land, comprised of 31.7 acres is just such a gem. (See attached map).

I am referring to a portion of the property previously owned by the Bowen family on Strawberry Hill Road, and currently being developed by Northwest Structures, Incorporated. Specifically, it is a land gift associated with the nine lot development planned for the north side of Strawberry Hill Road west of the Bowen house, an area known as "Hearthstone Hill".

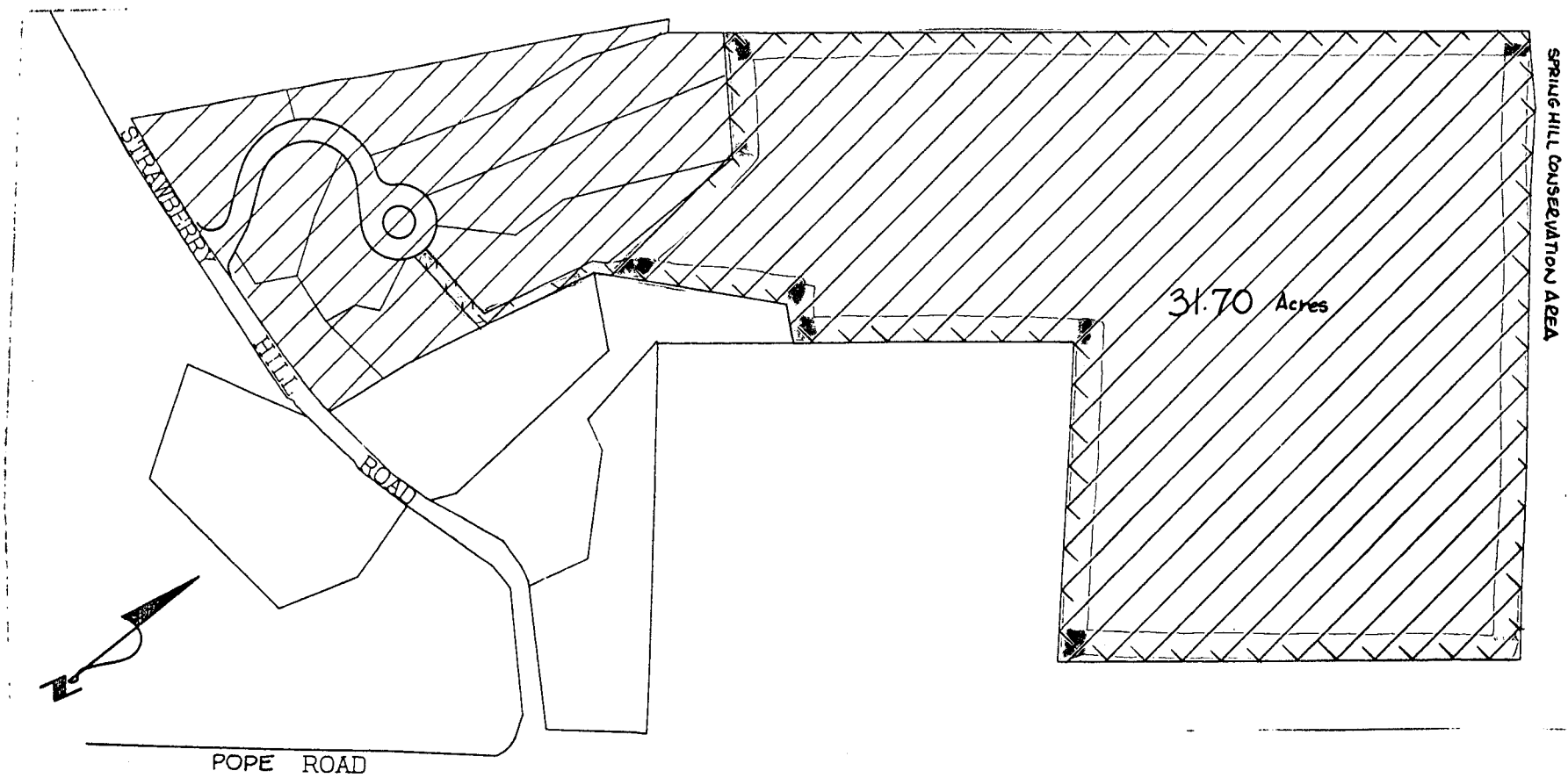
What sets this parcel apart from other potential land gifts is its unique location, which includes the Bowen hilltop with an elevation of 335 feet above sea level, making it one of the highest points in Acton. The beauty of the land is enhanced by its magnificent views. Looking east from the hilltop one can see the outline of Boston, and by turning 180° a clear view of Mt. Wachusett and to the northwest Mt. Monadnock. Vistas of this extreme are uncommon in Acton, and wherever possible should be preserved for future generations to enjoy.

An argument could be made that the undeveloped portion of the property should remain in private ownership, such that the Town might continue to collect taxes. On the other hand, one could argue that no Acton resident should be denied access to Hearthstone Hill and the breath-taking views it offers.

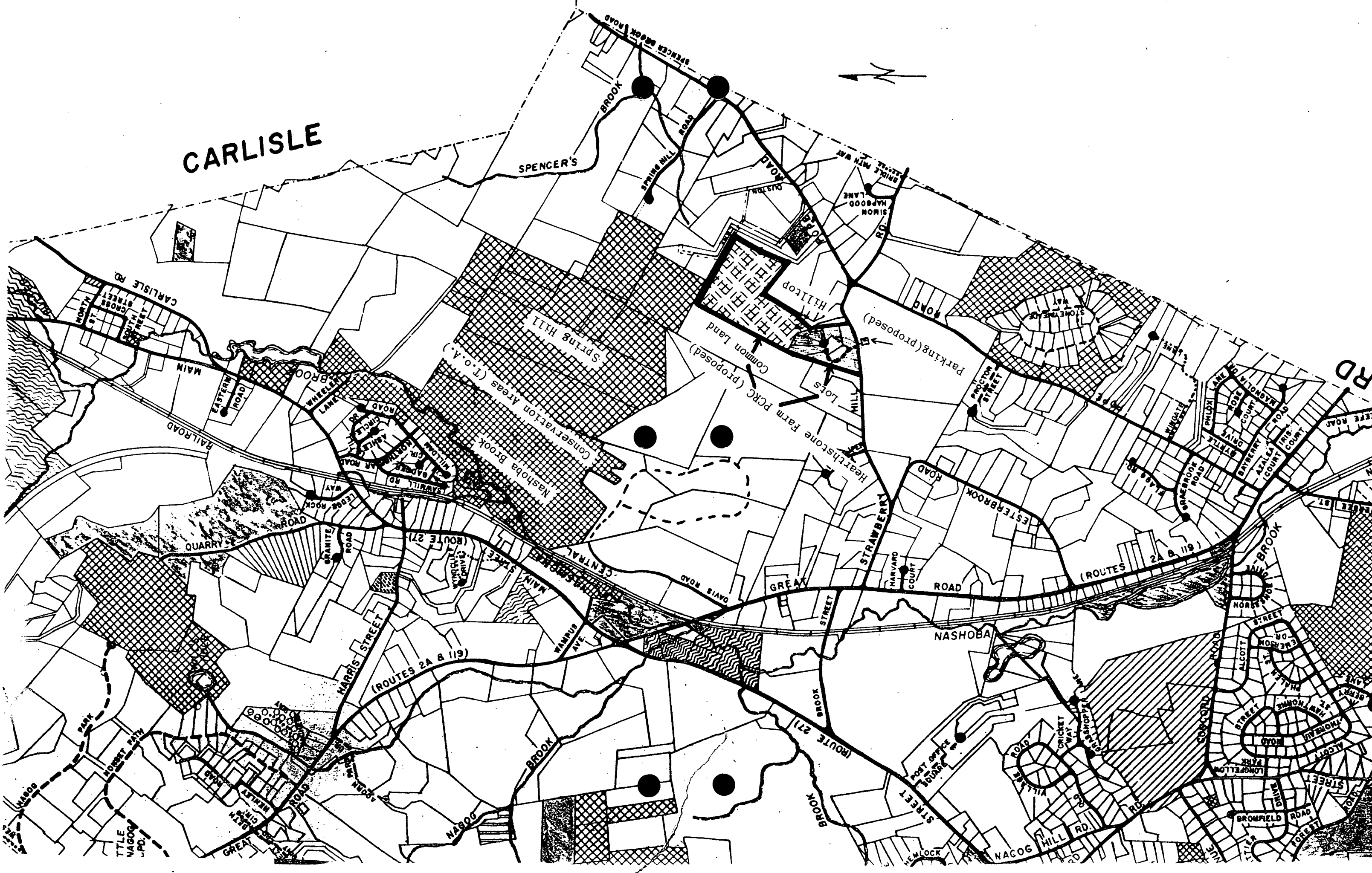
The land gift has been offered to the Town as conservation land, and I think this is a sensible way for the Town to accept the parcel for several reasons. First, the land abuts Spring Hill Conservation Area with a direct link to Nashoba Brook Conservation Area, allowing for a trail connection to an existing well established trail system. Presently a hiker can start at Wheeler Lane (off Main Street), and travel all the way to Spring Hill Road without leaving conservation land. Secondly, another entrance to the 150 acre Spring Hill Conservation Area has long been a desire of conservation. Currently our only access is by an easement only 50 feet wide.

Generally, we would prefer to accept land as "General Municipal" so as to allow active recreation. However, this land gift is conditional on being "conservation" land, and the Bowen parcel is currently a heavily wooded, boulder strewn hilltop quite unsuitable for playfields or other potential active recreation uses. Its location allows a natural extension of our conservation lands and will become a vital link in our greenbelt of cross-town conservation trails.

TT:ahm
651



CARLISLE



INTERDEPARTMENTAL COMMUNICATION

TOWN MANAGER'S OFFICE

FILE COPY

DATE: November 17, 1992

TO: Planning Board

FROM: Board of Selectmen's Office

SUBJECT: Hearthstone Farm Subdivision

The Board of Selectmen discussed your recent memo dated November 2, 1992 regarding Hearthstone Farm Subdivision. After much discussion the Board has decided to schedule an informational public hearing within the Selectmen's meeting of December 15, 1992 at 7:45 P.M. At this time they will hear input from the residents of the area and the Planning Board on proposed safety changes such as possible amendments to the Traffic Rules and Orders to achieve these safety improvements.

BOS -

Behind this memo is info from previous meetings
in case you don't have copies saved.

Chris

FILE COPY

11/17/92 (9)

Town of Acton

Planning Department

472 Main Street Acton, Massachusetts 01720

(508) 264-9636

DRAFT

INTERDEPARTMENTAL COMMUNICATION

TO: Board of Selectmen

DATE: November 2, 1992

FROM: Planning Board

SUBJECT: Hearthstone Farm Subdivision/PCRC

The Planning Department has received the application for approval of the definitive subdivision plan of Hearthstone Farm on the northerly portion of the former "Bowen Land" (north of Strawberry Hill Road). The subdivision as shown will be subject to a Special Permit as well (PCRC). The plan proposes 9 lots. In addition, 2 lots had been split off previously as ANR lots. There are two issues, on which the Planning Board will appreciate your input:

1. Common Land (see attachment 1).

The plan shows 31+ acres of common land. The common land connects in the rear with existing Town of Acton conservation land (Spring Hill/Nashoba Brook conservation area) and it shows access from the proposed subdivision road off Strawberry Hill Road. If added to the Spring Hill Area as municipal or conservation land, it would not only expand the existing public land but also provide access to it from Strawberry Hill Road which is currently not available. Current public access points to the Spring Hill/Nashoba Brook conservation area are at:

- Mill Dam Road and Wheeler Lane. Both access points are relatively close together off north Main Street.
- Davis Road (off Great Road) about 2 miles south of the above.
- Spring Hill Road (off Pope Road near the Concord/Carlisle town lines), on the opposite side of the Wheeler Lane access point and over 2.5 miles from the Davis Road access point.

The potential new access point over the proposed Hearthstone Farm subdivision would be located about half way between the Davis Road and Spring Hill Road access points and make the public land accessible from this side.

The former "Bowen Land" also contains one of the highest elevations in Acton - 335 feet. Only the water tank site off Ethan Allen Drive (430 ft.), Nagog Hill (380 ft.), and Great Hill (360 ft.) are higher. The Hill on this land is the only rise above 300 feet north of Great Road and East of Main Street.

Thus it bears a significant scenic value. While the top of the hill is currently shown as part of a proposed private lot, the Planning Board will seek to have it be part of the Common Land.

We find that the proposed common land would be a valuable addition to Acton's public open space lands. Acton's Master Plan places great importance on preserving scenic values and vistas, and on improved access to and connectivity within and between conservation lands. We therefore recommend that the proposed common land be deeded to the Town rather than to remain in private ownership. Please let us know if you would support the acquisition of this common land, and give us any other recommendations you may have, so that we can consider them during the review of the upcoming Special Permit application.

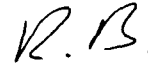
2. Sidewalk v. One-Way Traffic (see attachment 2)

As with most other subdivision and special permit applications, the Planning Board is considering the appropriateness of a sidewalk along the frontage on the existing public way. In the case of Hearthstone Farm the public way is Strawberry Hill Road. The general policy of the Board is to require the construction of a sidewalk and it may well be most appropriate to apply this policy here as well. While the sidewalk construction would disrupt the appearance of Strawberry Hill Road - designated a Scenic Road under the Acton Scenic Road Bylaw, the disruption is likely to be only temporary in nature depending, of course, on the sensitivity of the design.

However, the Master Plan with its recommendation to make Strawberry Hill Road a one-way roadway lays out an alternative approach to improving pedestrian and vehicular safety along Strawberry Hill Road which would not only cover the subdivision frontage but the entire length of the Road from Esterbrook to Pope, and accomplish it without any disruption at all. This recommendation would declare the portion between Esterbrook Road and Pope Road a one-way street eastbound from Esterbrook to Pope. While this is not equivalent to a sidewalk, it would increase safety by making vehicular traffic more predictable and by eliminating the squeeze of two-way traffic which doesn't allow for pedestrians given the current width. Two-way traffic would be retained between Esterbrook Road and Great Road and a sidewalk in that area is probably still appropriate. In fact, if the proponent of Hearthstone Farm would not have to build a sidewalk along the project frontage, he could donate the money to build sidewalk somewhere else in Town, possibly along the remaining two-way portion of Strawberry Hill Road.

We believe that the timing for consideration of the one-way proposal is right. The new development currently proposed off Strawberry Hill Road would add approximately 100 daily trips to the current 200 daily trips generated on Strawberry Hill Road between Esterbrook and Pope Roads. We recommend that you hold a public hearing as soon as possible to consider an amendment to the Acton traffic rules to establish the said portion of Strawberry Hill Road as a one-way street. We would like to have the benefit of knowing the outcome of this process, before we must make a final decision regarding the sidewalk.

Attachment 2 is an assessment of the impacts of a one-way measure prepared by the Acton Planning Department. We conclude from this assessment that a one-way restriction on Strawberry Hill Road will improve vehicular and pedestrian safety on Strawberry Hill Road, and that the impact on Pope Road itself will be acceptable. With regards to the intersection of Pope Road with Great Road, a level of service analysis should be conducted prior to implementation.

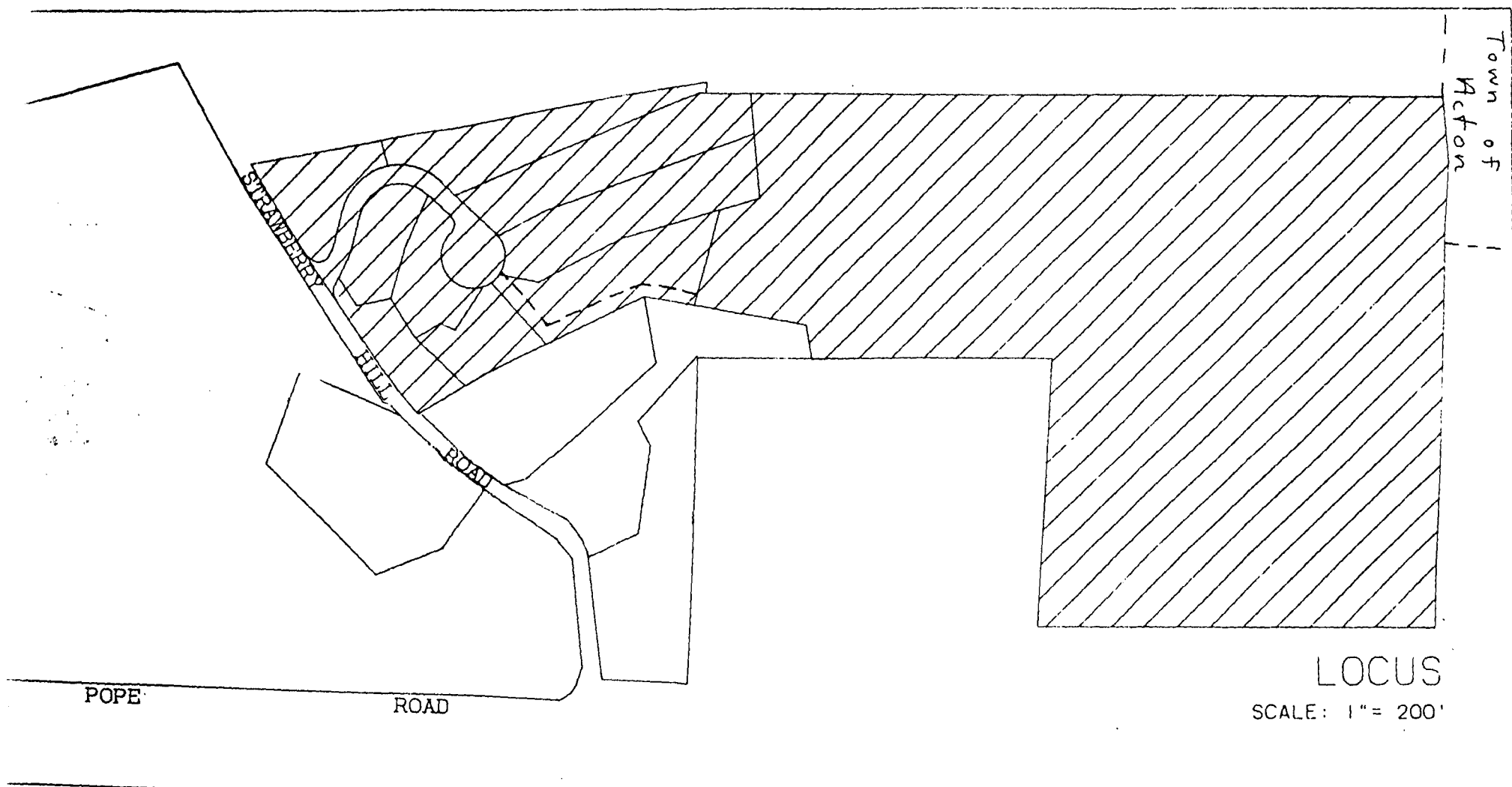


Roland Bartl

for the Acton Planning Board

cc: David Abbt

[RHB.SUBD.92*19]



TOWN OF ACTON

PLANNING DEPARTMENT

472 Main Street Acton, MA 01720

(508) 264 - 9636

October 28, 1992

IMPACT ANALYSIS OF LIMITING STRAWBERRY HILL ROAD TO ONE-WAY (EASTBOUND)

The following pages assess the impacts of diverting westbound traffic from Strawberry Hill Road to Pope Road as outlined in Recommendation 6 of Part II, Section 2 of the 1991 Town of Acton Master Plan (see attached map). Currently traffic is allowed to flow in both directions on Strawberry Hill Road and Pope Road. Under the Master Plan recommendation, westbound traffic now entering Strawberry Hill Road at Pope Road would be diverted via Pope Road to Great Road. In addition, traffic originating from points on Strawberry Hill Road located east of Esterbrook Road would travel eastbound on Strawberry Hill Road and then via Pope Road to Great Road. Strawberry Hill Road between Esterbrook Road and Great Road would remain two-way. It is assumed in this analysis that all diverted traffic will travel Pope Road from its intersection with Strawberry Hill Road to its intersection with Great Road and turn right at Great Road.

The source of data used are the existing conditions analysis and the future build-out traffic conditions analysis prepared by Vanasse Hangen Brustlin, Inc. and contained in the 1991 Town of Acton Master Plan. Traffic counts utilized in those studies and reviewed for this analysis were automatic recorder counts taken in the winter of 1988/89 on Strawberry Hill Road near Great Road, and on Pope Road near Great Road. The data were then adjusted to better reflect conditions in the segment of Strawberry Hill Road that is under consideration for one-way. In making those adjustments, consideration was given to the location of the 1988/89 traffic counters, to the types and density of uses on Strawberry Hill Road and to the directional distribution of traffic on Strawberry Hill Road.

In the following tables, the estimated numbers for Strawberry Hill Road refer to the segment between Pope Road and Esterbrook Road that may be considered for one-way rule. The estimates for Pope Road shown in the tables refer to Pope Road between Strawberry Hill Road and Great Road.

Under the one-way rule as recommended in the Master Plan, a reduction in westbound trips is also expected for Strawberry Hill Road between Esterbrook Road and Great Road, and right turns at the intersection of Strawberry Hill Road with Pope Road are expected to increase. These changes would be due to the redirected traffic originating from the one-way segment on Strawberry Hill Road. The impacts of the changes in the two mentioned locations are considered minor and are not quantified here.

Another change in traffic patterns not investigated here is a possible shift of P.M. peak hour traffic from Brook Street to Concord Road due to the one-way rule on Strawberry Hill Road.

1. Changes in Average Weekday Daily Traffic (AWDT)

Table 1 shows the estimated Average Weekday Daily Trips (AWDT) on the segment of Strawberry Hill Road that is under one-way consideration (Esterbrook Road to Pope Road), and on Pope Road, for existing and build-out conditions, and for the one-way and two-way scenarios. In developing this table, certain assumptions were made regarding trips generated on Strawberry Hill Road based on types and density of existing and build-out uses. It was also assumed that all vehicles diverted by a one-way rule would use Pope Road. See footnotes above for further details on assumptions made.

On Strawberry Hill Road, the AWDT under the one-way rule is projected to drop to 63% of the two-way AWDT under existing conditions, and to 59% of the two-way AWDT under build-out conditions. All traffic in the affected segment of Strawberry Hill Road will the move eastbound towards Pope Road. On Pope Road the AWDT will increase by 30% under existing conditions, and by 58% under build-out conditions.

TABLE 1

AVERAGE WEEKDAY DAILY TRAFFIC (AWDT)	STRAWBERRY HILL ROAD	POPE ROAD
1. Strawberry Hill Road <u>2-WAY</u>		
Existing Cond. AWDT (vpd) ¹	1350 ² (100%)	2800 (100%)
Build-Out Cond. AWDT (vpd)	4900 ² (100%)	5000 (100%)
2. Strawberry Hill Road <u>1-WAY</u>		
Existing Cond. AWDT ³ (vpd)	850 EB ⁴ (63%)	3650 (130%)
Build-Out Cond. AWDT ³ (vpd)	2900 EB ⁴ (59%)	7900 (158%)

¹ vehicles per day.

² 1991 Town of Acton Master Plan, Part III. Adjusted for proposed one-way segment, assuming 2/3 westbound, 1/3 eastbound orientation for the estimated 532(existing)/632(build-out) daily trips originating and arriving at the segment of Strawberry Hill Road that is to remain two-way. AWDT rounded to nearest 50.

³ Assuming a 45% westbound/55% eastbound directional distribution of two-way traffic on Strawberry Hill Road, and assuming 200(existing)/500(build-out) trips generated on Strawberry Hill Road between Esterbrook Road and Pope Road that will all travel eastbound under the one-way rule.

⁴ Eastbound

2. Peak Hour Roadway Link Conditions

Table 2, part 1 shows the estimated roadway capacity for Strawberry Hill Road and Pope Road based on their functional classification and geometry. Parts 2. and 3. show peak hour volumes and volume-to-capacity ratios for both roads under existing conditions and build-out conditions , and for the one-way and two-way scenarios on Strawberry Hill Road.

The capacity for handling traffic is markedly different between Strawberry Hill Road and Pope Road primarily due the geometry (narrow, winding) of Strawberry Hill Road. The capacity of Strawberry Hill Road is only 10-12% of the capacity of Pope Road.

Peak hour volumes and volume-to-capacity ratios were derived from the data presented in the 1991 Town of Acton Master Plan, modified to adjust for trip generation on Strawberry Hill Road and for differentials in the directional distribution of traffic between A.M. and P.M. peak hours, as they were observed by the automatic recorders placed on Strawberry Hill Road in 1988/89.

Under existing and build-out traffic conditions, peak hour volumes on Strawberry Hill Road under the one-way rule will drop to 75% of the volume under the two-way rule for the A.M. peak hour, and to 45% of the volume under the two-way rule for the P.M. peak hour. Under the two-way rule, Strawberry Hill Road is currently functioning at a volume-to-capacity ratio far in excess of full capacity (which is v/c ratio of 1). This undesirable situation would worsen towards build-out conditions. Under the one-way rule, traffic will only move eastbound towards Pope Road. Volume-to-capacity ratio for one-way streets were not available, but the improvement in mobility and safety are expected to substantially exceed the proportion of the drop in traffic volume due to the one-way rule.

On Pope Road under existing traffic conditions, the peak hour volume under the 'Strawberry Hill Road one-way rule' would increase by 21% and 46% for the A.M. and P.M. peak hours respectively compared to a two-way rule. However, the volume-to-capacity ratio on Pope Road would remain at or below a comfortable 0.50. Under build-out condition the peak hour volume under the 'Strawberry Hill Road one-way rule' would increase by 28% and 63% for the A.M. and P.M. peak hours respectively compared to a two-way rule. Pope Road would reach full capacity during the P.M. peak hour.

TABLE 2

PEAK HOUR ROADWAY LINK CONDITIONS		STRAWBERRY HILL ROAD	POPE ROAD
1. Capacity ¹	A.M.	70 ²	675
	P.M.	85 ²	695
2. Existing Conditions			
a) Strawberry Hill Road <u>2-WAY</u>			
Peak Hour Volumes ⁴	A.M.	236 (100%)	277 (100%)
	P.M.	182 (100%)	215 (100%)
Peak Hour v/c Ratio ^{3,4}	A.M.	3.37	0.41
	P.M.	2.14	0.31
b) Strawberry Hill Road <u>1-WAY</u>			
Peak Hour Volumes ⁴	A.M.	177 EB ⁵ (75%)	336 (121%)
	P.M.	82 EB ⁵ (45%)	315 (146%)
Peak Hour v/c Ratio ^{3,4}	A.M.	NA (one-way)	0.50
	P.M.	NA (one-way)	0.45
3. Build-Out Conditions			
a) Strawberry Hill Road <u>2-WAY</u>			
Peak Hour Volumes ⁴	A.M.	528 (100%)	466 (100%)
	P.M.	515 (100%)	452 (100%)
Peak Hour v/c Ratio ^{3,4}	A.M.	7.54	0.69
	P.M.	6.06	0.65
b) Strawberry Hill Road <u>1-WAY</u>			
Peak Hour Volumes ⁴	A.M.	396 EB ⁵ (75%)	598 (128%)
	P.M.	232 EB ⁵ (45%)	735 (163%)
Peak Hour v/c Ratio ^{3,4}	A.M.	NA (one-way)	0.89
	P.M.	NA (one-way)	1.06

¹ 1991 Town of Acton Master Plan, Part III. Estimated capacity at desired Level of Service (LOS) A for local streets such as Strawberry Hill Road, and desired LOS C for Collector Streets such as Pope Road. Level of Service is a qualitative measure for mobility and ranges from LOS A to LOS F. LOS A = no mobility restrictions, LOS F = severe mobility restrictions/failing.

- 2 Two-Way capacity. One-Way capacity not determined.
- 3 Volume-to-Capacity Ratio.
- 4 1991 Town of Acton Master Plan, Part III. Adjusted for proposed one-way segment for the estimated peak hour trips originating and arriving at Strawberry Hill Road: 59(existing)/85(build-out)peak hour trips during the A.M. peak hour with a 75% eastbound/25% westbound directional distribution. 75(existing)/115(build-out)peak hour trips during the P.M. peak hour with a 45% eastbound/55% westbound directional distribution.
- 5 Eastbound.

3. Right Turn Movements at the Pope and Great Roads Intersection

Table 3 shown right turn movement counts and estimates for the 'Strawberry Hill Road one-way and two-way' scenarios under existing and build-out traffic conditions, and it shows the overall intersection Level of Service (LOS) under existing and build-out conditions. While Strawberry Hill remains two-way, current intersection LOS is E, projected LOS for build-out conditions is F. The poor LOS is primarily due to the difficulty of making left turns at the intersection because traffic volumes on Great Road are high (19,500 vehicles per day) and traffic flow is more or less continuous during peak hours. However right turns are much less affected by such conditions. In Acton, this situation is true for most unsignalized intersections of side streets with arterial roadways.

Based on the estimated shift of traffic direction caused by a one-way rule on Strawberry Hill Road, right turns from Pope Road onto Great Road are expected to increase drastically. Under existing conditions, right turns during the A.M. peak hour would almost double, and would increase by 167% during the P.M. peak hour. Under build-out conditions, right turns during the A.M. peak hour would increase by 165%, and would more than quadruple during the P.M. peak hour. It is expected that the increase of the depicted right turns at the Pope Road/Great Road intersection will be accompanied by a more moderate decline of turning movements out of Strawberry Hill Road into Great Road, under both existing and build-out conditions.

An increase in right turns would generally not have a significant effects on the intersection's overall performance. Generally, right turns are relatively easy even under heavy flow conditions. However, the immediate sharp increase of right turns as predicted in this analysis warrants an intersection level of service analysis prior to implementation of the one-way rule under consideration. It is also suggested that with the implementation of a 'Strawberry Hill Road one-way rule', left and right turn pavement markings at the Pope Road approach to Great Road would facilitate right turns. The pavement width at this intersection appears to be adequate for such a lane designation. Under build-out conditions the overall intersection LOS will be at F independently from the amount of right turns occurring under either the one-way or two-way scenario. LOS F describes severe congestion during peak hours, which will be the case with all unsignalized arterial roadway intersections. As the Town approaches

build-out conditions, it is assumed that a signal will be installed at the Pope Road/Great Road intersection to improve intersection capacity and safety.

TABLE 3

Right Turn Movements at Pope and Great Roads Intersection	A.M. Peak Hour	P.M. Peak Hour	Intersection LOS ¹
1. Existing Conditions			
Strawberry Hill Road <u>2-WAY</u> ²	60 (100%)	60 (100%)	E
Strawberry Hill Road <u>1-WAY</u>	119 (198%)	160 (267%)	?
2. Build-Out Conditions			
Strawberry Hill Road <u>2-WAY</u> ²	80 (100%)	85 (100%)	F
Strawberry Hill Road <u>1-WAY</u>	212 (265%)	368 (433%)	F

¹ Level of Service. Qualitative measure of peak hour traffic operations. LOS A = highest mobility, LOS F = lowest mobility/failing, LOS D considered acceptable for peak hour intersection operations in urban areas.

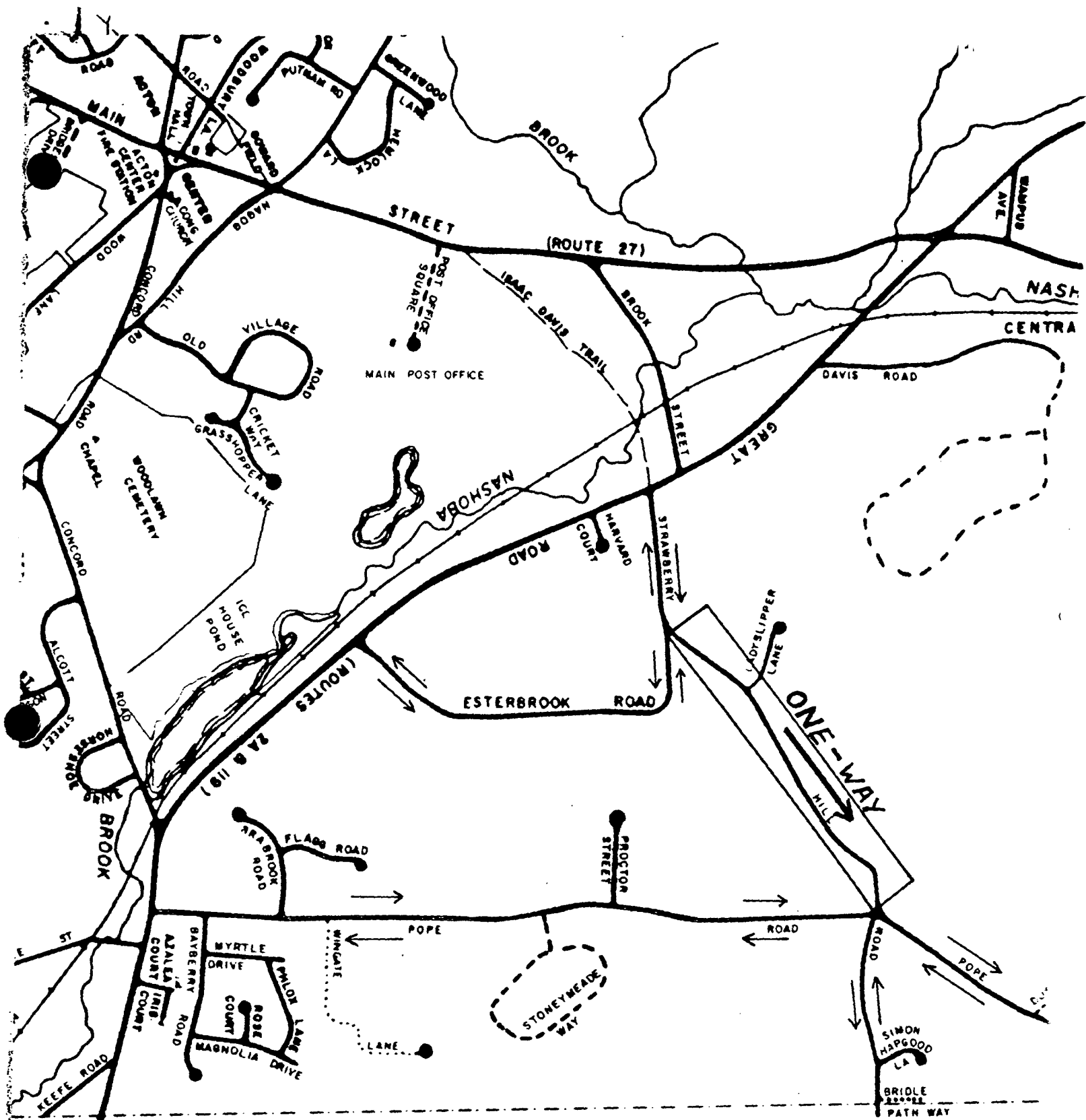
² 1991 Town of Acton Master Plan.

Recommendation 6: Make Strawberry Hill Road a One-Way Roadway.

East of Esterbrook Road, Strawberry Hill Road is narrow and winding, and not suited to carry even moderate traffic volumes. Additionally, there are no sidewalks along this section of Strawberry Hill Road. It is recommended that Strawberry Hill Road, east of Esterbrook Road, be designated one-way eastbound to Pope Road. Vehicular traffic in one direction and pedestrian traffic can be safely accommodated within the existing pavement surface. Any future need to widen the roadway would be eliminated, thereby helping to maintain the rural character of this road. Residences of Strawberry Hill Road wishing to reach Route 2A from their homes will be forced to use Pope Road. Existing commercial establishments on Strawberry Hill Road and residents located west of Esterbrook Road will continue to have convenient access to Route 2A. This recommendation needs further study, in conjunction with the Pope Road/Route 2A intersection, prior to implementation. The need for a sidewalk and the importance of preserving the character of the road should be included in the study.

Cost: Approximately \$500 to purchase and install necessary regulatory signage.

Priority: Low. There have been few accidents on Strawberry Hill Road and there are no imminent development proposals in the vicinity which would result in any substantial increase in existing traffic volume levels.



CORD

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that this is a well organized event and it should not impact the area negatively. The staff recommended that one police detail be used to control activities on the outside of the building, and that the 18 adults be the overseers of the inside activities as outlined in the request. The police were told that if it got too rowdy they could bring in additional police personnel. The Board asked that the neighbors be informed of the concert so that they would know the duration of the event. NORM LAKE - Moved to approve with the conditions prescribed by the Town Manager. DORE' HUNTER - Second. UNANIMOUS VOTE.

CONSENT CALENDAR

The Board approved the Consent Calendar. NORM LAKE - Moved to accept the consent calendar as printed. DORE' HUNTER - Second. UNANIMOUS VOTE. Staff was asked to send Mr. Kelley a letter of appreciation for his donation.

SELECTMEN'S CONCERNS

Local Drug and Alcohol Task Force - Nancy asked if any of the Board Members would be interested in participating on the Task Force to review policies at the School and other issues. She anticipated 3-4 meetings per year. Nancy offered to represent the Board. The Police will send their two youth officers also.

Hearthstone Farm - The Board reviewed the memo from the Planning Board asking for Board input on two issues; common land and possible amendments to the Traffic Rules and Orders making a portion on Strawberry Hill Road one-way. The Board upon reviewing the memo from the Planning Board decided to have a public hearing prior to moving forward on making possible changes to the Traffic Rules and Orders. The Board set the date for December 15, 1992 at 7:45. Anne asked that the notice of the informational meeting be worded to encompass the phrase, improve safety on Strawberry Hill Road and to reduce traffic. Dore' asked to have the notice include the possibility on a one-way action by the Board. The Board asked to have the Planning board invited to this meeting.

Regarding the Common Land issue, Dore' felt it would be a good idea if there were no financial impact. They asked to have more detail and a Map available at the next meeting, and clarification on whether we are expected to accept all Common Land.

Coordinating Committee - Nancy updated the board on the recent developments at the coordinating Committee. The split issue is at a stalemate with the Finance Committee supporting the Town side.

TOWN OF ACTON
INTER-DEPARTMENTAL COMMUNICATION

DATE: 12/15/92

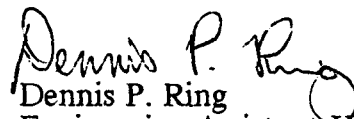
TO: Don P. Johnson, Town Manager
FROM: Engineering Department
SUBJECT: Strawberry Hill Road
One-Way

The Massachusetts Amendments to the Manual on Uniform Traffic Control Devices requires that municipalities obtain specific permits for certain regulatory signs. Included in these specific permits are mid-block one-ways and one-ways between adjoining communities.

I have discussed the proposal for making a portion of Strawberry Hill Road, from Esterbrook Road to Pope Road one-way towards Concord, with District 4 traffic engineer Connie Raphael. Although the Town has since been assigned to the District 3 office in Worcester, it was Connie's opinion that this proposal constitutes a mid-block one-way. It may also be considered a one-way between adjoining communities based on its heavy usage as a through street to Concord. The actual requirements for obtaining a permit for this proposal are not specific, and should be initiated by sending a written proposal with supporting information to the District 3 traffic engineer's office.

With regard to erecting a "selective exclusion" sign, i.e. "no through traffic" or "local traffic only", no State approval is necessary unless the exclusion begins or ends at an intersection with a state highway. According to the Police Department, such an exclusion would be legally enforceable provided the proper adoption procedure is followed. However, as a practical matter, enforcement of this type of exclusion is difficult to accomplish.

If you need more detailed information regarding any of these procedures, I will contact the District 3 traffic engineer.


Dennis P. Ring
Engineering Assistant II

CC: BOS - FYI

Don
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FYI

File
DEC 3 1992

Town of Acton Development Guide



OUTLINE

- I. First Steps: advice on establishing contacts with Town departments and on the research needed for your application,
- II. A summary of the most common permits you may need,
- III. A brief review of the permit-application process,
- IV. A summary of land-development options which the Town encourages and which may give you more flexibility and lower your costs,
- V. A checklist of development constraints and permit requirements.

Homeowners, small businessmen, and even some professionals often need a helping hand to get through the complicated process of securing local permits for development and construction projects. The Middlesex County town of Acton has published a *Development Guide* that explains the hoops and hurdles each project might face and how applicants should proceed. The information included ranges from mundane matters such as "where to buy a zoning bylaw" to a remarkably coherent explanation of transferable development rights. We are reproducing the *Guide* here in full, in the hope that other communities might follow Acton's lead in providing this kind of invaluable assistance to the average citizen. The only liberty we've taken is the addition of a cartoon or two.

This guide is for information only: It does not have the force of law. Please refer to the applicable laws and regulations for specific technical and procedural requirements. In most cases you will need professional help in such areas as land survey, engineering, architecture, law, and transportation planning.

I. The First Steps

Most projects need permits. The more research you do in the planning stage, the easier it will be to meet the requirements for town and (sometimes) state and federal permits and approvals. You will increase the likelihood that your project and design will be accepted, and reduce your risk of having to make significant—and expensive—changes in order to obtain approval.

Step One—First Contacts and Research

As soon as you know the location and approximate size of your development project and the use(s) to which it will be put, talk to people in the Building, Conservation, Health, Planning, and Engi-

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: Nov. 30, 1992

TO: All Staff Members
FROM: Don P. Johnson, Town Manager
SUBJECT: Public Image

A recent series of investigative reports "Men Not At Work", by the WBZ I-Team, highlighted flagrant abuses of the public trust by public employees. As taxpayers, we all benefit when someone is willing to step forward and take the time to identify and expose such antics. We can only hope that such efforts will lead to the elimination of the bad apples in our midst. For that, we should applaud them.

Unfortunately, such programs do not include equal time spent following the good public employees who are on the job day-in and day-out serving the public in thousands of ways.

- They fail to point out the untold hours that many spend (often donating their own personal time) in virtually thankless labors of love, with relatively low compensation, doing the work that is not profitable or interesting to the private sector.
- They fail to notice the people who must leave their comfortable homes in the middle of a cold snowy night and drive snow plows for 20-30 hours without rest.

- They fail to recall the police officer or firefighter whose life may be placed at risk in the normal course of a day's work.
- They forget the election worker who starts at 5:30AM and may not finish until 2:00AM the following morning, just to insure that every voter has the opportunity to exercise that special right for which so many have sacrificed their lives.
- They overlook the social worker or public health nurse who ministers to the most needy in our society, enduring the emotional stresses that lead to early burnout.
- They are not interested in the clerical worker whose job it is to listen and be polite to taxpayers who send their tax payments in late but do not want to pay the late charges or to irate drivers who admit to parking illegally but who do not want to pay the fines.
- They forget the inspector who is the last line of defense for the public health and safety and whose responsibility is to say "no" ... whatever the associated difficulty ... and accept the personal abuse that goes with the territory.
- They forget the librarian who works nights and weekends just to make the cultural benefits of the library convenient for everyone.
- They forget the groundskeeper who endures poison ivy and summer heat for the benefit of the public.
- They fail to follow those who attend countless evening meetings, work late or take work home.

The reporting interests of the media are not with the dedicated workers but with the deadbeats. Dedication and loyalty do not sell newspapers. For the cynical, the deadbeats in the public sector are an affirmation that public employees are ne'r-do-wells who cannot be trusted. While this is an unfair and overly broad characterization that should not be applied to all public employees, it is, nonetheless, an image that we must always keep foremost in our consciousness. Just as the I-Team found the abusers, so too, can the ordinary citizen.

We must never lose sight of the value of the public trust. Proposition 2 1/2 has shown us how important and extremely delicate is the relationship between the trust and confidence of the taxpayer and the livelihood of the public employee. It behooves us to nurture that relationship, always proving that our customer, the citizen, is getting a bargain in the services we provide. When that confidence is lost, our funding is lost.

Every municipal employee is truly an ambassador to the public. Every assignment is an opportunity to prove that we are worth the price. Every failure is a chance to be on TV, an embarrassment to ourselves, our co-workers, our family and friends. These chances, by their very nature, come when we least expect them. A year ago an investigative reporting team from a Worcester TV station attempted to gain entrance to the Transfer Station in a truck carrying "hazardous waste" barrels. Our Gate Attendant, Charley Wentzell, flatly refused admittance and sent them packing. Just doing his job, you say? Perhaps, but we were one of the few communities, among the 20 or more they tried, where the attendant was doing his job and WE LOOKED GOLDEN ... thanks to Charley's conscientious work!

Please, save us all from the negative notoriety. Remember, wherever you are, whatever day of the week or time of day, when you are working for the Town (and even at times when you are not) you are an ambassador. Your actions may determine whether any given voter supports us or the overrides we need to fund our work.



Commissioner
Mitchell Adams
Deputy Commissioner
Leslie A. Kirwan

Massachusetts Department of Revenue

Division of Local Services

Informational Guideline Release

DEC - 1 1992

Property Tax Bureau
Informational Guideline Release No. 92-208
November 1992

DEMOLITION CHARGES AND LIENS

Chapter 133, SS. 462, 494, 499 and 500 of the Acts of 1992
(Amending G.L. Ch. 111, SS. 125 and 127B, Ch. 139, S. 3A,
Ch. 143, S. 9 and Ch. 148, S. 5)

This Informational Guideline Release informs local officials about a change in the law regarding the collection of various state and municipal charges for the removal or abatement of public health and safety hazards.

Topical Index Key:

Betterments and Liens
Fees and Charges

CC: BOS
ROY W.
DOUG H.
GARRY R.
BOB C.

Distribution:

Assessors
Collectors
Selectmen/Mayors
City Solicitors/Town Counsels

The Division of Local Services is responsible for oversight of and assistance to cities and towns in achieving equitable property taxation and efficient fiscal management.

The Division regularly publishes IGRs (Informational Guideline Releases detailing legal and administrative procedures) and the Bulletin (announcements and useful information) for local officials and others interested in municipal finance.

Division of Local Services, PO Box 9655, Boston, MA 02114 - 9655 (617) 727-2300

Informational Guideline Release No. 92-208
November 1992

DEMOLITION CHARGES AND LIENS

Chapter 133, SS. 462, 494, 499 and 500 of the Acts of 1992
(Amending G.L. Ch. 111, SS. 125 and 127B, Ch. 139, S. 3A,
Ch. 143, S. 9 and Ch. 148, S. 5)

SUMMARY:

This legislation establishes uniform procedures for municipalities to collect expenses incurred in the removal or abatement of public health or safety nuisances and hazards. These so-called demolition charges can result from an order issued by various state and local officials as follows:

<u>Statute</u>	<u>Type of Action</u>	<u>Officials</u>
Ch. 111 §125	Abatement of nuisances	Board of Health
Ch. 111 §127B	Cleanup of buildings unfit for human habitation	Board of Health Commissioner of Housing Inspection
Ch. 139 §3A	Demolition of unsafe structures	Mayor/Selectmen
Ch. 143 §9	Demolition or securing of abandoned structures	Building Inspector
Ch. 148 §5	Abatement of fire hazards	Fire Chief State Fire Marshal

Demolition charges, which constitute liens upon filing a statement of claim at the Registry of Deeds, will now all be added to the real estate tax on the property and collected as part of the tax if they remain unpaid, as is the case for most other delinquent municipal charges constituting liens. Previously, communities had to institute separate foreclosure proceedings to collect some of these charges.

GUIDELINES:

A. Billing Demolition Charges

A bill for the expenses incurred by the city or town (or the state in certain cases) in removing or abating the health or safety hazard should be issued immediately upon completion of the work ordered.

PROPERTY TAX BUREAU

HARRY M. GROSSMAN, CHIEF

As a general rule, the bill would be issued by the official or board ordering the work. Alternatively, the collector may issue the bill if the city or town has accepted G.L. Ch. 41 §38A, which empowers the collector to collect all accounts receivable. The bill should state that the amount is now due and payable and that interest at the rate of 6% per annum accrues from the date the bill was issued. It should also state that any additional collection costs will be added to the amount due.

The bill should be mailed to the owner of the property. If the charges were incurred to abate nuisances ordered by the board of health under G.L. Ch. 111 §125, the bill may be issued to the owner's authorized agent or the occupant of the property as an alternative. The bills may also be issued to the owner's authorized agent if the charges were incurred to demolish unsafe structures under G.L. Ch. 139 §3A. If, as permitted, the bill is issued to someone other than the owner, it is recommended that the owner be mailed a copy.

B. Establishing Demolition Lien

To establish a valid lien for a demolition charge, a statement of claim must be filed with the Registry of Deeds for record or registration within 90 days of the date the bill was issued. The statement must state the amount claimed for the work, without interest, and be signed by the official or board that ordered the work. Attached is a "Statement of Claim" that may be used as a model.

C. Duration of Demolition Lien

The lien for demolition charges takes effect upon filing the statement of claim. It expires two years from the October first following the filing date. For example, if the statement is filed on December 1, 1992, the lien will expire on October 1, 1995. The lien may be discharged by filing with the Registry of Deeds for record or registration a certificate from the collector that the claim, together with all interest and costs, has been paid or legally abated.

All costs of recording and discharging the lien are to be borne by the owner of the property.

D. Adding Demolition Charges to Tax

If the demolition charges remain unpaid, they will be added to the real estate tax on the property and collected as part of that tax.

Each year, the assessors should be notifying the collector and other officials that bill and collect various charges, including demolition charges, of the timetable for completing the annual assessment list. At that time, the collector or officials would certify any unpaid demolition charges for which liens exist to the assessors. The assessors will then add the unpaid charge, together with interest and any recording or collection costs, to the tax assessed on the property. In the case of exempt property, the charge will be committed as the tax.

E. Collecting Demolition Charges

If the added amount remains unpaid, it is subject to the same interest and collection charges as delinquent property taxes and the collector can use any of the remedies available under G.L. Ch. 60 for collecting taxes to collect it, including taking the property into tax title.

However, unlike many other liens for delinquent municipal charges, demolition liens are not coterminous with the tax lien on the property. See Section C above. The collector should be aware of the date the lien expires and make a tax taking to perfect the lien before that time.

In cases where the lien has terminated before the demolition charges were added to the tax and a taking made, the collector may bring a civil action against the person assessed the charges. G.L. Ch. 60 §35. Lawsuits for the collection of overdue municipal accounts may be brought in the name of the collector or municipality and must be commenced within 6 years from the date the account is due and payable. Depending on the amount, the suit may be brought in superior or district court. The small claims procedure in district court may be used where the amount is \$1500 or less.

Alternatively, the collector may have the treasurer withhold or "set-off" the unpaid charges from monies owed by the municipality to that person. G.L. Ch. 60 §93. This remedy can be used at any time.

THIS INSTRUMENT MUST BE FILED FOR RECORD OR REGISTRATION

THE COMMONWEALTH OF MASSACHUSETTS

_____ of _____
(city/town)

STATEMENT OF CLAIM
FOR EXPENSES TO REMOVE OR ABATE HEALTH AND SAFETY NUISANCES OR HAZARDS

The _____ of _____ hereby states that it has a claim in
(city/town)
the amount of _____ (\$_____) against
_____ of _____
(name(s)) (address)
for expenses incurred in the removal or abatement of certain public
health and safety nuisances or hazards.

This claim is a result of _____

(describe work)
pursuant to General Laws Chapter ____ § ____ and constitutes a lien on
the property described below.

DESCRIPTION OF PROPERTY

Statement made this date of _____, 19__

(NAME OF BOARD OR OFFICER)

THE COMMONWEALTH OF MASSACHUSETTS

ss.

_____, 19__

Then personally appeared the above named _____
(Board/Officer) for the _____ of _____, and acknowledged the
foregoing instrument to be (their/his/her) free act and deed before me,

Notary Public/Justice of the Peace

My commission expires _____



Commissioner
Mitchell Adams
Deputy Commissioner
Leslie A. Kirwan

Massachusetts Department of Revenue
Division of Local Services

BULLETIN

cc: BOS

1992 LEGISLATIVE ENACTMENTS

TO: Local Officials

FROM: Leslie A. Kirwan, Deputy Commissioner
Division of Local Services

DATE: November 20, 1992

SUBJECT: Summary of 1992 Municipal Law Changes

As you know, at the end of each legislative session, the Division of Local Service publishes a BULLETIN summarizing any new laws enacted that affect municipal budgets and tax assessment, administration and collection.

In order to keep you informed of legislative developments as they occur during the year, we will now issue this BULLETIN on a quarterly basis in the spring, at mid-year after the state budget has been enacted, in the fall, and at year's end. Each issue will contain a cumulative summary of session laws enacted to that time and will indicate whether the Division has issued or will issue any further implementation guidelines.

Attached is the first quarterly edition of the BULLETIN. It includes any legislative changes affecting municipal finance found in Chapters 1-221 of the Acts of 1992. Copies of these new laws can be obtained from the State Bookstore located in Room 116 of the State House.

The Division of Local Services is responsible for oversight of and assistance to cities and towns in achieving equitable property taxation and efficient fiscal management.

The Division regularly publishes IGRs (Informational Guideline Releases detailing legal and administrative procedures) and the Bulletin (announcements and useful information) for local officials and others interested in municipal finance.

Division of Local Services, PO Box 9655, Boston, MA 02114 - 9655 (617) 727-2300

1992 LEGISLATIVE ENACTMENTS

Ch. 8 CONDOMINIUM COMMON EXPENSE LIENS

An Act Relative to the Priority Status of Common Expense Liens in Condominiums.
Effective March 18, 1992.

Amends G.L. Ch. 183A §6 to provide expressly that municipal liens on condominium units have priority over liens for unpaid common expenses. Changes made in the statute in 1991 had only given priority to municipal liens secured by a tax title.

Ch. 23 FY92 SUPPLEMENTAL BUDGET

An Act Making Appropriations for the Fiscal Year 1992 to Provide for Supplementing Certain Existing Appropriations and for other Activities and Projects.
Effective April 24, 1992.

§9 Street Lists. Makes a technical correction in a 1991 amendment of G.L. Ch. 151 §4 to prohibit public disclosure of the names of children age 3 to 16 appearing on the annual municipal census.

§§70-72 City "1/12" Budgets. Extends for FY93 the deadline set forth in G.L. Ch. 44 §32 for the mayor in all cities, except Boston, to submit the annual budget to the city council. Also permits the use of so-called 1/12th budgets for a limited period of time until the FY93 budget is approved.

Ch. 36 WATERSHED LANDS

An Act Relative to the Protection of the Metropolitan Water Supply.
Effective August 18, 1992.

Regulates development within the Quabbin, Wachusett or Ware watershed areas for the protection of the Metropolitan Boston water supply. Provides a new state reimbursement, G.L. Ch. 59 §5H, for cities and towns with land subject to these development restrictions.

Ch. 42 PARKS AND RECREATION REVOLVING FUND

An Act Relative to Recreation and Park Self-Supporting Service Revolving Funds.
Effective June 30, 1992.

Amends G.L. Ch. 44 §53D, which authorizes cities and towns accepting its provisions to establish a revolving fund for park and recreation programs. Municipalities may now use

revolving funds to pay wages and salaries of part-time and seasonal employees and to purchase equipment. In addition, the fund may now exceed \$10,000 during the fiscal year, but if the year end balance exceeds that amount, the excess closes to the general fund. A city or town may also adopt an ordinance or bylaw requiring annual authorization of the revolving fund by annual town meeting or city council.

Ch. 50 CONSOLIDATED MUNICIPAL FINANCE DEPARTMENTS

An Act Relative to Consolidated Departments of Municipal Finance.

Effective August 30, 1992.

Authorizes the director of a municipal finance department consolidated under G.L. Ch. 43C to serve ex-officio as the treasurer, collector or treasurer-collector. However, the director cannot serve ex-officio as both the treasurer, collector or treasurer-collector and as the accounting officer (town accountant, city auditor or comptroller).

Ch. 62 INSURANCE PROCEEDS

An Act Further Regulating the Use by Municipalities of Certain Sums Received as Payment for Damages.

Effective September 8, 1992.

Increases from \$10,000 to \$20,000 the amount received by a city, town or district in insurance proceeds or restitution for damaged property that may be spent to restore or replace the property without appropriation under G.L. Ch. 44 §53.

Ch. 128 FARM PLATES

An Act Further Defining a Farmer.

Effective October 15, 1992.

Expands the definition of "farmer" for the purpose of obtaining special plates under the motor vehicle registration law, G.L. Ch. 90. Vehicles operated with farm plates are exempt from the motor vehicle excise if an exemption application is timely filed and the vehicle is used exclusively for farm related activities.

Ch. 133 FY93 STATE BUDGET

An Act Making Appropriations for the Fiscal Year 1993 for the Maintenance of the Departments, Boards, Commissions, Institutions and Certain Activities of the Commonwealth, for Interest, Sinking Fund and Serial Bond Requirements and for Certain Permanent Improvements.
Effective July 1, 1992 unless otherwise noted.

\$44 State Owned Land Reimbursement. Reinstates for FY93 the separate state reimbursement to cities and towns in which the Commonwealth owns land for certain public purposes. Since FY88, the reimbursement had been included in a community's Additional Assistance distribution.

\$48 Early Retirement Programs. Authorizes cities and towns that fully fund their retirement systems and accept its provisions to establish early retirement programs for municipal employees, except teachers. Early retirement programs are to be administered by the applicable retirement system. Acceptance requires both legislative (town meeting, city or town council) and executive (board of selectmen, mayor) action.

\$64 Housing Authority Procurement. Authorizes housing authorities to purchase materials, supplies and services in FY93 through the consolidated supply program of the U.S. Department of Housing and Urban Development and sets forth notice and other bidding requirements applicable to those purchases.

\$112 Equal Opportunity Grants - At Risk Schools. Targets the use of equal opportunity grants by requiring that eligible communities and districts give priority to those schools where student performance does not meet guidelines to be established by the Commissioner of Education.

\$169 Public Records. Exempts from the definition of public records under G.L. Ch. 4 §7 Cl. 26 contracts for hospital and hospital care services between state, county and local health care facilities and health maintenance organizations and insurance companies.

\$203 Local Cultural Councils. Changes the length and number of terms for members of Local Cultural Councils terms (formerly Local Arts Lottery Councils) established under G.L. Ch. 10 §58.

\$366 Employee Health Benefits. Provides local governments with greater flexibility in offering health care coverage for their employees under G.L. Ch. 32B §12 by permitting them to join in cooperative purchasing agreements or trusts as a means of self-insurance.

§369 Joint Services. Amends G.L. Ch. 40 §4A, which permits cities, towns, and various districts to enter into agreements to jointly provide public services. Joint agreements may now be entered into by the municipality's chief executive officer, or a board, commission or officer upon authorization by the city council and mayor in a city, or by town or district meeting in a town or district. Joint agreements may not exceed 25 years and must include certain financial safeguards.

§370 & 452 Non-Criminal Disposition of Local Violations. Effective January 1, 1993. These sections broaden the types of violations a city or town may make subject to the non-criminal disposition procedure and establish a new alternative disposition procedure for those violations. Section 370 amends G.L. Ch. 40 §21D, which will now authorize cities and towns by bylaw or ordinance to permit the non-criminal disposition of any state and local health, building and fire code violation, or any other local violation. The fine set by the bylaw or ordinance for any infraction cannot be more than \$300. These violations may be disposed of using a new civil infraction procedure, G.L. Ch. 90G, added by Section 452, which permits the violator to resolve the matter by paying the fine to the Registrar of Motor Vehicles.

§371 Parking Meter Advertising. Removes from G.L. Ch. 40 §22A a prohibition on the use of parking meters for advertising purposes or the granting of advertising rights on parking meters by a city or town.

§373 Consolidated Municipal Departments. Consolidated municipal departments of finance, community development and inspection under G.L. Ch. 43C may now be adopted, revoked or rescinded by vote of annual town meeting rather than of the electorate as previously required. Consolidated departments are also now expressly permitted to enter into joint service agreements under G.L. Ch. 40 §4A.

§374 Bond Proceeds. Provides cities, towns and districts with greater flexibility under G.L. Ch. 44 §20 in the use of surplus bond proceeds to finance other capital projects. They may now appropriate the balance of proceeds remaining after completion or abandonment of a project for any purpose for which debt may be authorized for an equal or longer period of time than that for which the original loan was issued rather than could be authorized by law as was previously the case. In addition, premiums and accrued interest on bonds and notes will now be treated as general revenue instead of being reserved for principal and interest payments. An Informational Guideline Release (IGR) will be issued on this legislation.

§376 Insufficient Funds Checks. Makes the penalty under G.L. Ch. 44 §69 for tendering an insufficient funds check to a local treasurer for payment of a municipal service, fee or charge the same amount as imposed by G.L. Ch. 60 §57A for tendering an insufficient check to a collector. That penalty is currently 1% of the amount of the check or \$25, whichever is greater.

§377 Alternative Revenue Sources. Allows cities and towns, under new provisions, G.L. Ch. 40 §§70 and 71, to contract with vendors to identify and pursue federal reimbursements for, or other revenues or available resources that may be generated by, municipal programs and services, and to pay for the contracts from those reimbursements or revenues without further appropriation. These contracts may be entered into by the collector, treasurer or other department head, with authorization by town meeting and city council and approval of the board of selectmen, town manager or mayor, and are to be governed by regulations and guidelines issued by the Commissioner of Revenue. The Commissioner is also empowered to negotiate contracts directly with vendors for particular services to be provided, and cities and towns may enter into contracts negotiated by the Commissioner without complying with the G.L. Ch. 30B, Uniform Procurement Act.

§386 Apportionment of Taxes. Amends G.L. Ch. 59 §78A, which allows the assessors to apportion taxes when land has been subdivided by a sale, mortgage or other change in ownership. An apportionment may now be made where the subdivision occurs after the January first assessment date. Previously, the division had to occur after the commitment. IGR 92-207 issued November 1992.

§388 Motor Vehicle Excise Marking Fee. Increases from \$10 to \$20 the fee imposed under G.L. Ch. 60A §2A when the Registry of Motor Vehicles is requested by a collector to mark a registration and license for non-renewal due to an outstanding motor vehicle excise.

§416 Local Option Hotel/Motel Excise. Provides for the quarterly distribution of local option hotel/motel excise receipts collected by the Department of Revenue.

§431 Consolidated Administration. Adds a new local option statute, G.L. Ch. 71 §37M, which authorizes cities and towns to consolidate school and municipal administrative functions, such as finances, personnel and maintenance. Any consolidation requires approval of the school committee, town meeting or town council, and the city council and the mayor if required by law.

§434 Special Needs Costs. Amends G.L. Ch. 71 §5 to provide that if there is a change in the residence of a special needs child in a day or residential placement after July first, the responsibility for paying the tuition remains with the former community for that year.

§§462, 494, 499 and 500 Demolition Liens. These sections establish uniform procedures for municipalities to collect expenses they incur in the removal or abatement of various public health or safety nuisances and hazards under G.L. Ch. 111 §125 (abatement of nuisances by boards of health), Ch. 111 §127B (clean-up of buildings unfit for human habitation by boards of health), Ch. 139 §3A (demolition of unsafe structures by mayor/selectmen), Ch. 143 §9 (demolition or securing of abandoned structures by building inspectors), and Ch. 148 §5 (abatement of fire hazards by state fire marshal or local fire chief). These charges, which constitute liens upon recording a statement of claim at the Registry of Deeds, will all now be added to the real estate tax on the property and collected as part of the tax if they remain unpaid, as is the case for other delinquent municipal charges constituting liens. Previously, communities had to institute separate foreclosure proceedings for some of these charges. An IGR will be issued on this legislation.

§521 Tax Foreclosures. Expands the powers of the Recorder of Land Court under G.L. Ch. 185 §6 to hear and rule on petitions for tax foreclosure and for redemption from tax titles.

Ch. 136 HISTORICAL COMMISSION RECORDS

An Act Relative to Certain Records of Local Historical Commissions.

Effective October 18, 1992.

Amends G.L. 40 §8D, which sets out the powers and duties of local historical commissions, to exempt from public disclosure certain information received by historical commissions relating to the location of historical sites and objects.

Ch. 143 BORROWING PROCEDURES

An Act Relative to Borrowing by Cities, Towns and Districts.

Effective July 31, 1992.

Extends from two to five years the period of time cities, towns and districts may issue and refund temporary debt in anticipation of permanent, long-term debt for certain

borrowings under G.L. Ch. 44 §17 and requires the annual payments of principal for temporary debt issued beyond two years. In addition, under a new provision, G.L. Ch. 44 §20A, cities, towns and districts that have authorized debt or have had a federal or state grant approved for a project may now make expenditures from any available funds in anticipation of borrowing or receipt of the grant monies. Previously, it was not clear that monies from one fund could be advanced on a temporary basis to eliminate the need to borrow. Any interfund borrowings are subject to rules, regulations and guidelines issued by the Director of Accounts. This legislation also gives towns and districts the same authority cities now have to secure bonds and notes by insurance or letters of credit. G.L. Ch. 44 §22A. An IGR will be issued on this legislation.

Ch. 153 FY92 SUPPLEMENTAL BUDGET

An Act Making Appropriations for the Fiscal Year 1992 to Provide for Supplementing Certain Existing Appropriations and for other Activities and Projects.
Effective August 7, 1992.

§73 Equal Educational Opportunity Grants. Permits the Commissioner of Revenue to waive FY93 maintenance of effort requirements under the equal educational opportunity grant program for cities and towns that have financial emergencies and agree to implement management reforms.

Last Act: Chapter 221 enacted on October 26, 1992 and signed by the Governor on November 3, 1992.

Acton-Boxborough Regional School District
Acton Public Schools

BUDGET TIMELINES - FY'94

- 11/18/92 Budget guidelines and packets distributed to all administrators.
- 11/18/92-12/7/92 Division and department budgets prepared and turned in on 12/7/92.
- 12/7/92-2/4/93 Division and department budgets refined at Central Office. Proposed budgets completed.
- 2/4/93 Proposed budgets to School Committee/formal budget presentation. Warrant items to School Committee for Warrant consideration.
- 2/4/93-2/18/93 Budgets refined for final recommendation to School Committees (Both A & B budgets refined).
- 2/18/93 Joint School Committee meeting for budget adoption (A budgets adopted and Regional School Budget must be voted by this date).
- March, 1993 Public budget hearing with Town.
- April 5, 1993 Acton Town Meeting begins.
- May, 1993 Boxborough Town Meeting begins.

11/18/92

For BOS
Handout at 12/2/92
Fin Commts
(1)

TOWN OF ACTON
1992-1993
FINANCE COMMITTEE

Agenda for Meeting of

December 2, 1992

92FIN08D

7:30 PM	Call to Order - Review Agenda - Recorder.
7:35 PM	Minutes 10/28/92, 11/4/92, 11/18/92 for approval
7:40 PM	Coordinating Committee 3 year draft financial plan -Version 7 - 11/30/92 .
7:45 PM	Bill Ryan briefing - School view of split ratio logic for loss of O'Ride.
8:15 PM	- Discussion on School budget issues.
8:30 PM	Meeting reports and additional FY'94 budget discussions.
8:45 PM	Discussion. 1st. Expanded Fincom Mtg. -11/18/92.
8:50 PM	New Business: (1) Zoning articles, (2) School Audit Report, (3) ADP Tax Collec.
9:00 PM	Next Meeting 12/9/92 at the Town Hall Room 204. Adjourn

Space below for personal notes

Attachments

Murray letter, 11/30/92
Proposed Zoning articles (2)
92FIN018 - memo to Coo'rd Comm.
Acton Average Tax Bill Trend (2).
Draft on tax classification - Joe Peters.
"How Acton Collected \$500K - 6 mos."
Connie Hubber recognition.
Misc. handouts in folders.
School Audit and Management Report.
ADP tax collection proposal.

Ryan & Reid

Talked 1/2 hour re enrollment projections & Merriam utilization
Then 3/4 hour on split
Schools = 63.7% argued, take legalistic interpretation of
Coord Cmtee plan item #3, wants split only on
Town appropriated numbers, based on Coord Cmtee plan.
Some feeling that Fincom should go with Schools but hold Town
harmless re NESWC as part of split formula.
Art: "Seek a solution, not a compromise".
Discussion seemed to indicate some compromise
decision likely, however

For BOS (1st 3 -
12/2/92 FinCom
Mtg JD

EXPANDED FINANCE COMMITTEE MEETING**DATE/PLACE:** November 18, 1992 @ ABRHS Faculty Dining Room**RESENT:****Current Members** — Art Harrigan (Chairman), Mark Allan, Mary Donald, Paul Kohout, Tom Mackey, Joe Peters, & Charles Olmstead**Invited Guests** (All former FinCom Chairmen) — Craig Fingerman, Charlie Kadlec, William McCarthy, Matt Mieziva, John Murray, & Jerry Portyrata

This Expanded FinCom Meeting was opened at 7:35 pm by Art Harrigan, who reiterated the purposes of the meeting; namely, "to discuss key changes in the Town of Acton affecting finances over the past several years, to focus on challenges in the future, and to discuss the role of the Finance Committee." Art proceeded to be the discussion leader, using brainstorming techniques and achieving an open dialogue organized around the agenda (see 92FIN016, dtd 10/31/92).

ACTON STRENGTHS - LIST

- *Incomparable School System
- *Ease of commute along with good proximity to variety of industry & shopping
- *Relative affluence with few poverty pockets
- *Citizen involvement in Town Gov't
- *Financial stability with per capita long term debt relatively low
- *Low crime rate
- *Population stability, especially in the last five years
- *Availability of a Master Plan
- ell-managed and fiscally conservative town

MAJOR CHANGES IN ACTON AFFECTING FINANCES - LIST

- *Introduction of bottom-line budgeting by the Town Gov't two years ago
- *Proposition 2.5 in 1980
- *Introduction of Coordinating Committee
- *Decline in 'new' growth
- *Decrease in State-Aid
- *Increased enrollment in Grade Schools
- *Old-timers (empty-nesters) are moving out of Town & being replaced by 2+children families
- *Less attention being given to the Town's infrastructure (roads, bridges, etc)
- *Quarterly payments of real estate taxes resulting in a reduction of \$1-1.5M in short term interest
- *School Teachers' pay deferral in FY92

BREIF OVERVIEW FY93 BUDGET & POTENTIAL FY94 BUDGET ITEMS

Art proceeded to present six graphic charts, which are attached to this report. The charts addressed Acton demographics along with Consolidated Town revenue/expense data. These charts solicited a number of comments, four of the more interesting ones were:

- (a) School Choice raising student population (along with income);
- (b) School Choice monies are not all included in revenue/expense charts, whereas, School Grant monies are not included in the budget;
- (c) After '88, state ran out of money and real estate ceased growing, a condition which has led us to the need for overrides; and,
- (d) Payback for the School Teachers' pay deferral of FY92 should be handled as 'debt & interest' rather than as part of the annual operating budget.

CHALLENGES

Simply put, the most significant challenge facing Acton today is how to maintain the 'health-and-welfare' of the Consolidated Town of Acton including both the Town Gov't and the School System in view of current financial constraints. It was emphasized that the Acton taxpayers were more than willing to support both good town management and good schools as long as they are convinced that their tax-dollar is being spent efficiently (a dollar's worth for a dollar spent), and effectively (the job is getting done).

ROLE OF FINCOM

Two basic characteristics of the FinCom, which predetermine its role, are:

- (a) it represents the entire Consolidated Town of Acton, limited neither to the Town Gov't nor the School System; and,
- (b) it is a 'non-political' body appointed by the Town Moderator, independent of both political affiliations and special interests.

Hence, the role of the FinCom can be summarized as:

- (a) Advising both the Town Gov't and the School System, through the auspices of the Coordinating Committee, about the fiscally appropriate split of the projected Consolidated Town budget;
- (b) Analyzing the fiscal-merits of proposed budgets while avoiding political-viability assessments; and,
- (c) Attesting to the Consolidated Town Community about the fiscal validity of proposed budgets.

One of the former chairman summarized his perception of FinCom's role as: "Be my spokesman"; while another concluded the meeting with the statement: "People are behind Finance Committee."

Meeting adjourned at 9:55 pm.

Respectfully submitted,



TOM MACKEY

Date: October 16, 1992

To: Art Harrigan

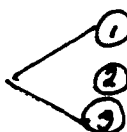
From: Bill Ryan

Re: ITEM #3 UNDER FORMAT CHANGES PREVIOUSLY AGREED TO

Item #3 was originally adopted by the Coordinating Committee in 1991 as part of the Plan. The language has not changed and seems to be clear. Item #3 Under Format Changes Previously Agreed to states:

3. "The allocation split for the Town and the Schools will remain at 67% for Schools and 33% for the Town for FY'92. In FY'93 the allocation split for the respective groups will be calculated by expenditures authorized by the FY'93 Financial Plan. If these calculated percentages are different from the one third - two third split, then the Schools and the Town will move halfway to the calculated allocation. In FY'94 the split between the Town and the Schools will be based upon the actual calculation of the budgeted numbers."

The expenditures that have been authorized by the Plan have been those costs related to the appropriated budgets of the town government and the school system. Debt service costs have been excluded because they are a legal obligation that the towns and schools must pay and the self-funding portion of enterprise funds have also been excluded because appropriated funds are not an issue if the enterprise fund is indeed self-supporting. The Minuteman assessment has also been excluded because they do not participate in the Coordinating Committee process and thus have never been included in the proposed "B" budget cuts that would have been implemented if previous overrides had failed. The "expenditures authorized by the Financial Plan" from appropriated funds have been the following categories:

\$11,379  ① Town Government Operating Budget
② Schools (APS & ABRSD) Operating Budgets \$20,113
③ Appropriated Funds for NESWC

"In FY'94 the split between the Town and the Schools" should be based on the actual calculation of the above stated expenditure categories that are authorized by the Plan.

<u>Town</u>		<u>Schools</u>	
/es			
\$10,465	Operating Budget	\$19,564	Operating Budget
235	Tax Collection (net)	300	APS Growth
828	NESWC Approp.	279	School Costs in Town Bud
100	NESWC Arbitration	(30)	Town Costs in School Bud
(279)	School Costs in Town Budget		
30	Town Costs in School Budget	\$20,113	
<u>\$11,379</u>		(63.9%)	

includes SPED.

	<u>Schools</u>	<u>Town</u>	<u>Comments</u>
Town/School Op. Bud. ¹	\$19,564	\$10,465	
School Growth (APS) ¹	\$300		
Tax Collection System ¹		\$235	Why \$115 less than CC plan
NESWC Appropriation ¹		\$828	
NESWC Arbitration ¹		\$100	
Less: Regional Income	<\$1,659>		
Less: Local Cherry Sheet	<\$660>	<\$737>	From cherry sheet??? Diff. than Town #'s
Less: Additional School Aid	<\$350>		
School Expend. In Twn Bud. ¹	\$279	<\$279>	Need full accounting of these costs
Twn. Expend. In Sch. Bud. ¹	<\$30>	\$30	Need full accounting of these costs.
Less: Fees		<\$1,000>	
Less: Motor Vehicles ²	<\$607>	<\$343>	Auto taxes/just another tax -Twn/Schs.
Less: Free Cash ³	<\$353>	<\$200>	Free cash comes from real estate taxes.
Less: E & D ⁴	<\$36>	<\$21>	Underspending, additional state revenues, Etc.
Less: Net School Choice	<\$304>		
	\$16,144 (64.0%)	\$9,078 (36.0%)	= \$25,222

1	Schools Total Expenditures = \$20,113	63.9%	Town Total Expenditures	\$11,379	
	(See tape)				36.1%
2	Motor Vehicle	\$950 x 63.9% = \$607	\$950 x 36.1% = \$343		<i>Town control.</i>
3	Free Cash	\$553 x 63.9% = \$353	\$553 x 36.1% = \$200		<i>Town mty control -</i>
4	E & D	\$ 57 x 63.9% = \$ 36	\$ 57 x 36.1% = \$ 21		<i>School control (1%)</i>

*need town appropriation
appropriation not kept*

Bill

Revenue so volatile - look at expenditures

Some items - (FC) (MV) E & D S/B prorated.

We pool all incomes except a few.

School lunch not tax supported (enterprise)

#980K School choice 75% of regular day pupil cost.

800K or 500K FC.

64 - 36

7/3 - 1/3

Don

Town turnback (small amt S/B turnback)

Town has 1 unsuccessful collection program

all town income pooled

but not all school income

How does school contribute to FC?

Put all income ~~in~~ in formula

and all expenditures - by town

Resolve it - do it one time

72 - 28

FC drives up Day Teacher deferral

450

70


350

but revenue used

RWD 12/1/92

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: 11/30/92

TO: Finance Committee
FROM: John Murray 
SUBJECT: The Dollar Difference between FY93 and FY94

As you are aware, for the last three meetings I have not been able to provide you with the dollar difference between the fiscal year 93 and fiscal year 94 municipal budgets. As we discussed the problem has not been the difficulty of the task, rather it has been finding time to complete the work. As I mentioned to you this morning we are fighting fires constantly and I will not take time to complain that we are understaffed, because the underfunding has been agreed to by staff and The Board of Selectmen as part of the previous budget compromises. I am still unable to put the attached information in the correct format, but I hope the additional information will be helpful.

- 1) The first three pages of the attachment represent "The Fiscal Year 94 Plan".
- 2) The fourth page is the overall picture with the proposed dollar variance.
- 2) The fifth page breaks out the major components of the four predominant categories.
- 3) The last two pages represent the percentage multipliers used in calculating #1 & #2 listed above.

In summary, the attached report is arranged in ascending order of detail, and you may wish to read it from back to front. Please note: The last two pages correspond to the assumptions in version 7 of the guidelines.

COORDINATING COMMITTEE'S FY94 & FY95 DRAFT FINANCIAL PLAN

FY94 budget at version 7 guidelines

	1993	1994	1995
		2%	5% INC.
TOWN GOV'T	\$9,906	\$10,436	\$10,958
(town growth)		\$88	\$460
(infrastructure & capital maintenance)		\$0	\$420
(town self-funding tax collection program)		\$0	\$0
SCHOOLS	\$18,873	\$19,554	\$20,847
(school growth)		\$300	\$0
MINUTEMAN	\$602	\$675	\$709
NESWC Arbitration and Stabilization Awards	\$200	\$100	\$100
MBTA ASSESSMENT		?	?
ENTERPRISE FUNDS (does not include merriam)	\$1,762	\$2,010	\$2,110
TOTAL OPERATING EXPENSES	\$31,343	\$33,163	\$35,603
DEBT & INTEREST	\$1,430	\$1,331	\$1,331
TOTAL EXPENDITURES	\$32,773	\$34,494	\$36,934
			2.5 % inc
CHERRY SHEETS	\$1,350	\$1,309	\$1,342
REGIONAL INCOME	\$1,921	\$1,906	\$1,954
Additional School Aid		\$350	\$350
SCHOOL CHOICE	\$445	\$304	\$311
MOTOR VEHICLE	\$950	\$950	\$974
FEES	\$1,000	\$1,000	\$1,025
ENTERPRISE FUNDS (does not include merriam)	\$973	\$1,182	\$1,241
Collection Program		\$0	\$0
DEFERRAL	\$619	\$0	\$0
NON-PROPERTY TAX REV.	\$7,258	\$7,001	\$7,196
TOTAL LEVY & TRANSFER	\$25,515	\$25,453	\$25,494
TOTAL REVENUE	\$32,773	\$32,453	\$32,690
LESS TOTAL EXPENSE	(\$32,773)	(\$34,494)	(\$36,934)
TOTAL OVER/(SHORT)	\$0	(\$2,040)	(\$4,244)
BEGINNING LEVY	\$23,375	\$24,209	\$27,105
2 1/2% INCREASE	\$584	\$605	\$678
NEW GROWTH	\$250	\$250	\$250
OVERRIDE	\$0	\$0	\$0
DEBT EXCLUSIONS	\$727	\$553	\$511
OVERLAY	(\$650)	(\$750)	(\$950)
SUB-TOTAL	\$24,286	\$24,868	\$27,594
RESERVE CONTRIBUTION	\$263	\$528	(\$2,100)
Extra Reserve Fund needs	\$342		
E & D CONTRIBUTION	\$0	\$57	\$0
OTHER	\$624	\$0	\$0
TOTAL REVENUE	\$25,515	\$25,453	\$25,494

(a)Enterprise fund income increased 5% and (b)FY94 override of shortfall

VERSION 1

TOWN OF ACTON
BUDGET PREPARATION

BUDGET & INCREASE ASSUMPTIONS CONT'D

PROPOSED
1993
3

4 UTILITIES

SEE DETAIL

8 EQUIP. REPAIR & REPLACE	2.5%
12 INSURANCE, NON-EMPLOYEE	2.5%
16 LEGAL	2.5%
20 SNOW REMOVAL	2.5%
24 INFRASTRUCTURE REPAIR	2.5%
28 SUPPLIES	2.5%
32 GAS & DIESEL FUEL	2.5%
36 OTHER EXPENSES	2.5%
40 BLDG. & GROUNDS MAINT.	2.5%
44 LIBRARY BOOKS	2.5%
46 PRINTING & DISTRIBUTION	2.5%
50 SOCIAL SERVICES	2.5%
54 MIS CONTRACTS/REPAIRS & SUPPLIES	2.5%
58 EXTERNAL EXPERT ADVICE	2.5%
62 AUDIT	2.5%
64 ADVERTISING	2.5%
68 TRAVEL, LOCAL	2.5%
72 PUBLIC RELATIONS	2.5%
76 TRAVEL, OUT OF STATE	2.5%
80 DEBT REGISTRATION	2.5%
84 VETERAN'S BENEFITS	2.5%
87 DEBT & INTEREST	2.5%
88 RESERVE FUND	2.5%
WARRANT ARTICLES	2.5%

UTILITIES DETAIL

4570 SUPPORT	2.5%
7600 TELEPHONE	2.5%
8200 ELECTRIC	2.5%
8400 FUEL OIL	2.5%
8500 NAT. GAS	2.5%
8700 WATER	2.5%
TOTAL UTILITIES	

VERSION 1

TOWN OF ACTON
BUDGET PREPARATION

BUDGET % INCREASE ASSUMPTIONS

PROPOSED
1993
3

WAGES DETAIL

1001 WAGES-REGULAR	2.0%
1002 WAGES-CHAPTER 111F	20.0%
1003 WAGES-HOLIDAY	2.0%
1004 WAGES-OVERTIME	2.0%
1005 WAGES-PERSONAL	2.0%
1007 WAGES-SICK	2.0%
1009 WAGES-VACATION	2.0%
1010 WAGES-SPECIAL	2.0%
1102 WAGES-COVERAGE, FUNERAL	2.0%
1103 WAGES-COVERAGE, HOLIDAY	2.0%
1105 WAGES-COVERAGE, PERSONAL	2.0%
1107 WAGES-COVERAGE, SICK	2.0%
1109 WAGES-COVERAGE, VACATION	2.0%
1273 WAGES-BOARDS	2.0%
1680 WAGES-INJURY	2.0%
1845 WAGES-SEASONAL	2.0%
1850 WAGES-SUBSTITUTE	2.0%
1875 WAGES-INCENTIVE	2.0%

ASSOCIATED EXPENSE DETAIL

5100 EDUCATIONAL CONFERENCES	2.5%
5520 MEALS	2.5%
5825 UNIFORMS/CLOTHING	2.5%

INSURANCE DETAIL

6400 LIFE	0.0%
6500 HEALTH	10.0%
6600 UNEMPLOYMENT	0.0%
6600 WORKMEN'S COMPENSATION	20.0%
6600 MEDICARE	5.0%

PENSION

5.0%

VERSION 1

TOWN OF ACTON
BUDGET PREPARATION

	1993 BUDGET	PROPOSED 1994 3	PROPOSED VARIANCE 93/94
WAGES DETAIL			
1001 WAGES-REGULAR	4,818,607	4,914,979	96,372
1002 WAGES-CHAPTER 111F	N/A	100,000	100,000
1003 WAGES-HOLIDAY	0	0	0
1004 WAGES-OVERTIME	134,422	137,110	2,688
1005 WAGES-PERSONAL	0	0	0
1007 WAGES-SICK	0	0	0
1009 WAGES-VACATION	0	0	0
1010 WAGES-SPECIAL	81,500	83,130	1,630
1102 WAGES-COVERAGE, FUNERAL	4,000	4,080	80
1103 WAGES-COVERAGE, HOLIDAY	111,087	111,309	2,222
1105 WAGES-COVERAGE, PERSONAL	10,272	10,477	205
1107 WAGES-COVERAGE, SICK	55,053	56,154	1,101
1109 WAGES-COVERAGE, VACATION	139,505	142,295	2,790
1273 WAGES-BOARDS	6,400	6,528	128
1680 WAGES-INJURY	7,000	7,140	140
1845 WAGES-SEASONAL		0	0
1850 WAGES-SUBSTITUTE	6,100	6,222	122
1875 WAGES-INCENTIVE	46,300	47,226	926
TOTAL WAGES	5,420,246	5,628,651	208,405
ASSOCIATED EXPENSE DETAIL			
5100 EDUCATIONAL CONFERENCES	3,350	3,434	84
5520 MEALS	300	308	8
5825 UNIFORMS/CLOTHING	41,285	42,317	1,032
TOTAL EXPENSES	44,935	46,058	1,123
INSURANCE DETAIL			
6400 LIFE	10,300	10,300	0
6500 HEALTH	1,042,000	1,146,200	104,200
6600 UNEMPLOYMENT	40,000	40,000	0
6600 WORKMEN'S COMPENSATION	180,674	216,809	36,135
6600 MEDICARE	70,000	73,500	3,500
TOTAL INSURANCE	1,342,974	1,496,809	153,835
UTILITIES DETAIL			
7600 TELEPHONE	81,500	83,538	2,038
8200 ELECTRIC	162,750	166,819	4,069
8400 FUEL/OIL	12,700	13,018	318
8500 NAT. GAS	20,350	20,859	509
8700 WATER	3,750	3,844	94
TOTAL UTILITIES	281,050	288,076	7,026

TABLE OF ACTS
 FISCAL YEAR
 FISCAL YEAR "94" MUNICIPAL OBJECT BUDGET

VERSION 1

SEPTEMBER 30, 1992

2.00%

PROPOSED

1993
BUDGET

1994
C

WAGES	5,420,246	5,628,651	208,405
ASSOCIATED BENEFITS	44,935	46,058	1,123
INSURANCE	1,342,974	1,486,804	143,830
PENSION	936,533	983,360	46,827

1 SUB-TOTAL WAGES W/FRINGES	7,744,688	8,144,878	400,190
4 UTILITIES	281,050	288,076	7,026
8 EQUIPMENT REPAIR/REPLACEMENT	396,296	405,178	8,882
12 INSURANCE, NON-EMPLOYEE	239,012	244,987	5,975
16 LEGAL	227,000	232,675	5,675
20 SNOW REMOVAL	123,050	126,126	3,076
24 INFRASTRUCTURE REPAIR	261,991	268,541	6,550
28 SUPPLIES	99,548	102,037	2,489
32 GAS & DIESEL FUEL	92,655	94,971	2,316
36 OTHER EXPENSES	117,812	120,757	2,945
40 BLDG. & GROUNDS MAINT.	60,660	62,177	1,517
44 LIBRARY BOOKS	60,983	62,508	1,525
46 PRINTING & DISTRIBUTION	61,010	62,535	1,525
50 SOCIAL SERVICES	13,225	13,556	331
54 MIS CONTRACTS/REPAIRS & SUPPLIES	95,737	98,130	2,393
58 EXTERNAL EXPERT ADVICE	10,955	11,229	274
62 AUDIT	25,750	26,394	644
64 ADVERTISING	7,650	7,841	191
68 TRAVEL, LOCAL	2,363	2,422	59
72 PUBLIC RELATIONS	1,550	1,589	39
76 TRAVEL, OUT OF STATE	2,000	2,050	50
80 DEBT REGISTRATION	2,000	2,050	50
84 VETERAN'S BENEFITS	18,720	19,188	468
88 RESERVE FUND	35,000	35,875	875
90 WARRANT ARTICLES		0	0
92 SUB-TOTAL OTHER EXPENSES	2,235,017	2,290,892	55,875
94 TOTAL MUNICIPAL BUDGET	9,979,705	10,435,770	456,065

DRAFT

Revision #7

To: The Coordinating Committee
From: Staff
Re: FY94 Draft Plan
Date: November 19, 1992

This plan, like all plans, was constructed from the bottom up. The first step was setting the foundation, which means to determine the assumptions on which the plan is to be constructed. As you are aware, if one were to change all or any of the following assumptions, then the numbers in the financial plan would also have to be modified.

ASSUMPTIONS FOR FY94

1. Staff will create a plan which optimizes service to the community and minimizes the cost to the taxpayer.
2. Special Ed. Tuition and SPED Transportation will be increased by 15%. (?) (\$247,065) (Budgeted amounts for these line items will be based on actual costs. Please note that C.A.S.E. West SPED Transportation System will have to replace part of its fleet in FY '94.)
3. The NESWC enterprise fund would increase by 35%. (?) (Budgeted amount for this line item will be based on actual cost. This projected increase is approximately \$350,000 which will come out of appropriated funds.)
4. The Regional Schools' legal costs will be budgeted at \$45,000. Any unspent balance in this year's FY93 legal account will go into the Regional Schools' E & D account and will be ear-marked as a contingency for FY94 legal costs related to the pending McNulty litigation. This legal contingency will be in addition to the 1% held in the E & D account. (See #6)
5. Expense categories will be increased by the following amounts:

		<u>FY94 Prop. Change \$*</u>	
		<u>Town</u>	<u>Schools</u>
Utilities	2.5%		\$1,112
Health Insurance	10% (?)		\$219,976
Worker's Comp. & 111F (Police & Fire Ins.)	20%		\$16,720
Pension Expense	5% (?)		\$15,300
Unemployment Ins.	0%		-0-
(Will need to be increased if Prop. 2 1/2 override fails)			
Life Insurance	0%		-0-
Contingency Funds	0%		-0-
Salaries	2%		\$285,634
Debt and Interest	at actual level of 6/30/93		<\$108,224>
All Other Expenses	2.5%		<\$65,590>**

* (Increases do not include school growth of \$300K or Town Tax Collection System of \$450K.)

** (Includes reduction in Regional Schools legal services account.)

6. Any excess monies above 1.0% in the Regional School's E & D account (as of 6/30/92 minus any extraordinary costs or emergencies in FY'93) will be used as revenue to offset the assessments for Acton and Boxborough. See #4 for separate legal contingency for FY'94.
7. Any excess monies above 1% in the Free Cash account (as of 6/30/92 minus any extraordinary costs or emergencies in FY'93) will be used as revenue to offset the property tax rate. The 1% calculation will be based on the total of the operating budgets for the local schools and town government plus the Minuteman assessment and the appropriated funds for the transfer station.
8. The remaining balances in the E & D account and Free Cash will be used only for Emergencies such as but not limited to, damage due to fire, burglary, and acts of God which are not covered by insurance, failures of major pieces of equipment, major fluctuations in energy prices, unplanned decreases in State Aid, etc. It will not be used for minor fluctuations in the operating budgets.
9. A portion of School Choice Funds will continue to be allocated for educational costs and viewed as a self-funding program consistent with #7 under Format Changes. The remaining balance of school choice funds will be pooled revenues.
10. All Educational State Aid (i.e., Chapter 70, Regional School Aid, Transportation, etc.) and the Town's General Revenue Sharing State Aid will be funded at the FY'93 Cherry Sheet level. (Actual Construction Aid amounts will be used for the Town and the schools and Transportation Aid will be reduced by 5% below FY'92 levels.)

FORMAT CHANGES PREVIOUSLY AGREED TO

1. Both the Schools and the Town would operate with a bottom line budget.
2. All revenues will be pooled as of this date with the exception of:
 1. Revolving Accounts, Grants, Trust Accounts
 2. Enterprise Funds
 3. New Self-sufficient Programs as of this date (6/30/90)
3. The allocation split for the Town and the Schools will remain at 67% for Schools and 33% for the Town for FY'92. In FY'93 the allocation split for the respective groups will be calculated by expenditures authorized by the FY'93 Financial Plan. If these calculated percentages are different from the one third - two third split, then the Schools and the Town will move halfway to the calculated allocation. In FY'94 the split between the Town and the Schools will be based upon the actual calculation of the budgeted numbers and thereafter.
4. The Cherry Sheet number will be adjusted from a gross number to a net number (revenues - minus ear-marked funds and State and County Assessments).
5. The Total Levy and Transfer line will be adjusted from a gross number to a net number (levy-overlay), and the expenditure line Assessments/Overlay will be eliminated.
6. Regional debt will be re-classified from the Schools' expenditure line to the Debt and Interest Line.

7. A new expenditure and a new revenue line called Self-Funding Projects will be added. These lines will reflect new programs (i.e., School Choice and Traffic Unit) as of 6/30/90, which are totally self-sufficient. The Self-Funding line will not be used in calculating the allocation split.

8. Deferral Compromise

- 1) The Local and Regional Schools will accept Deferral for both years FY'92 & FY'93).
- 2) An accelerated amortization will be adopted by written agreement between the three (3) parties. This will consist of a four (4) year pay-back period with the first year of amortization beginning in FY'94 and continuing in 1/4 installments for the following three (3) years.
- 3) No formal amortization votes...other than one that is supportive of the written agreement...will be taken by the Selectmen (via placement of an Article before Town Meeting) or the Regional School Committee.
- 4) Deferral amortization will be built into the budgets for the years FY'94-FY'97.
- 5) The Selectmen, Regional School Committee, Fincom and Staff shall adopt and support this compromise.

/es

ACTON FINCOM MEMO

To: Coordinating Committee 92FIN018
From: Art Harrigan
Date: November 19, 1992.
Subject: FY'94 Budget and Potential Override - Taxpayer's Perspective.
Copies: Acton Finance Committee.

I hope the following factors, analysis, and rationale can be helpful in the decision making process to fix the Acton consolidated budget and override for FY'94. This information is provided from the taxpayer's point of view to offset and balance the Town and Schools perspective. This viewpoint suggests that the override selected for FY'94 should be "zero" or "\$600,000", at the most. This analysis has not been presented or endorsed by the Finance Committee or any other Board or Committee in Acton.

Acton Demographic Data - from State records

. FY'89 yearly per capita income	\$25,792.
. FY'90 population	17,872
. FY'92 number of single family parcels	4,151
. FY'92 average single family tax bill	\$3,480.
. Assumption that 2 1/2 people in a single family home	10,000
. Assumption that income per single family home is 2.5 x the yearly per capita income = 2.5 x 25,792. =	\$65,000. approx.
. Assumption that workers get a 5% salary increase	\$3,250.
. Assumption that there are several taxpayers categories as shown in Table 1.	

Categories of Homeowners Analysis - gross estimates except for unemployment rate

Table 1 was constructed knowing only that the current unemployment rate is approximately 6%. The average salary (single family home) is assumed as \$65,000, with some getting an annual pay increase while others do not.

Override analysis (FY'94)

Table 2 shows the taxpayer's FY'94 projected tax increase for various overrides. The increases are shown with the allowable 2 1/2% added and also with a 2 1/2% tax shift added. These increases are then shown as a percentage of the assumed taxpayer's 5% salary increase of \$3,250., and the assumed taxpayers salary of \$65,000.

Conclusions

1. A taxpayer gets a 5% salary increase. He/she is then asked to pay about 18% of that raise for the tax increase and a \$2.2 million override, or with a 4% raise the proportion going for a tax increase would be 22%.
2. At the current rate of tax levy on single family residences, the tax will double in about 6 1/2 years, which is a compounded increase of 11% per year. This seems to be far in excess of the recent inflation rate of 2% to 4%.
3. If a taxpayer would be willing to increase his taxes by 5% of his/her annual salary raise, then the override would need to be limited as follows: (1) \$600,000 with another 2 1/2% added, and (2) \$zero with another 2 1/2% added plus another 2 1/2% for the shift added.
4. Table 1 only applies to about 15% to 20% of the population. Another 15% is in the affluent category.
5. Any amount of override is likely to be unacceptable to 65% to 70% of the Acton population (due to no recent salary increase, a salary decrease, or an unemployed status), as shown in Table 1.

Table 1. Categories of Homeowners / Workers

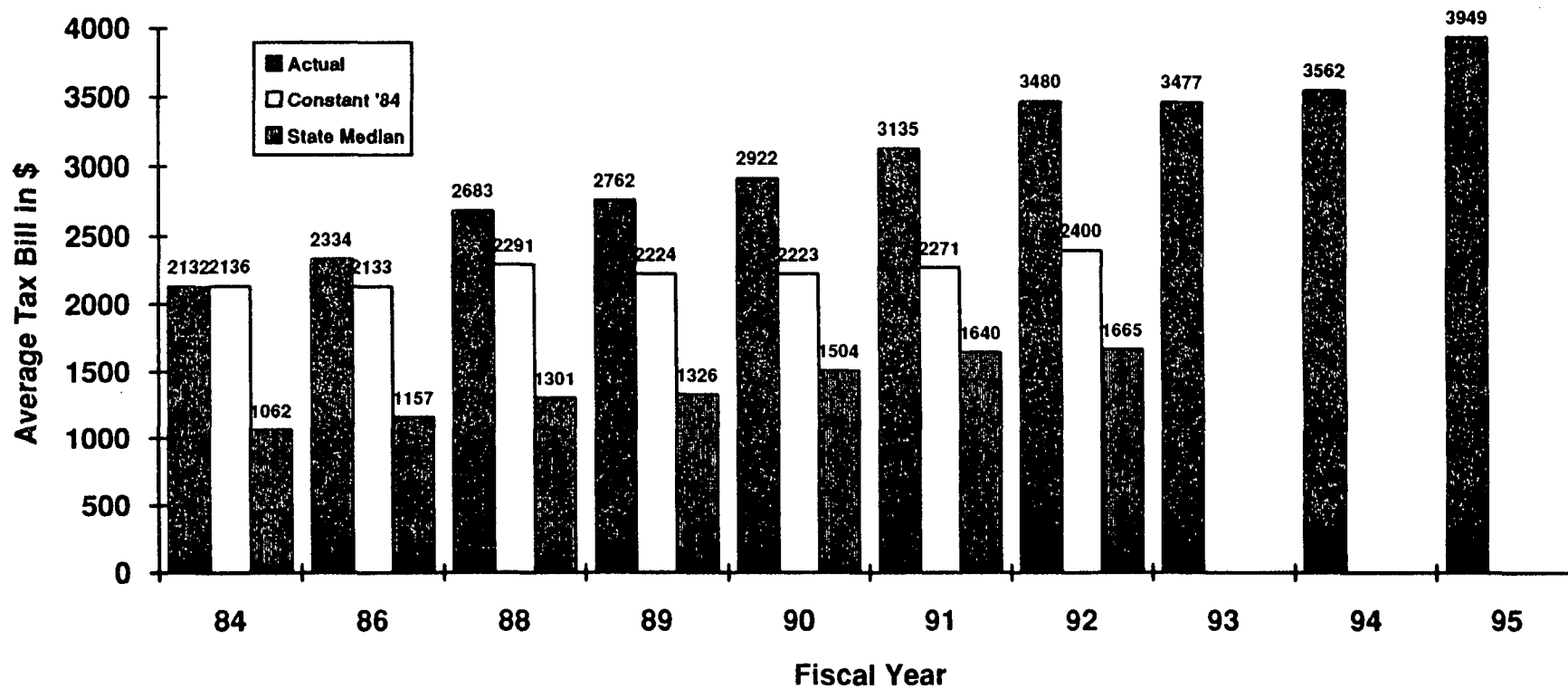
	<u>Estimate Now</u>	<u>Estimate 1993</u>
. Those with salaries much higher than \$65,000	15%	15%
. Those getting a 5% annual salary increase	20%	15%
. Those with no salary increase	40%	37%
. Those with a salary decrease or lesser paying job	19%	25%
. Those without a job - no income	6%	8%

Table 2. Taxpayers Projected Tax Increases for Various Override Amounts

FY'94 Override Amount	Override %	Added 2 1/2% Allow.	Inc'r. tax on \$250K Home	% of 5% \$3,250 Sal. Incr.	Added 2 1/2% Shift	Incr. tax on \$250K Home	% of 5% \$3,250 Sal. Incr.	% of \$65K Salary
0	0	2.5%	\$104.	3%	5.0%	\$208.	6%	0.3%
\$0.5M	2.06%	4.56%	\$190.	6%	7.06%	\$294.	9%	0.3%
\$1.0M	4.13%	6.63%	\$275.	8%	9.13%	\$381.	12%	0.6%
\$1.5M	6.19%	8.69%	\$362.	11%	11.19%	\$466.	14%	0.7%
\$2.0M	8.25%	10.63%	\$443.	14%	13.13%	\$547.	17%	0.8%
\$2.5M	10.31%	12.81%	\$534.	16%	15.31%	\$638.	20%	1.0%
\$3.0M	12.37%	14.87%	\$620.	19%	17.37%	\$724.	22%	1.1%

11/20/92
Revised 11/23/92

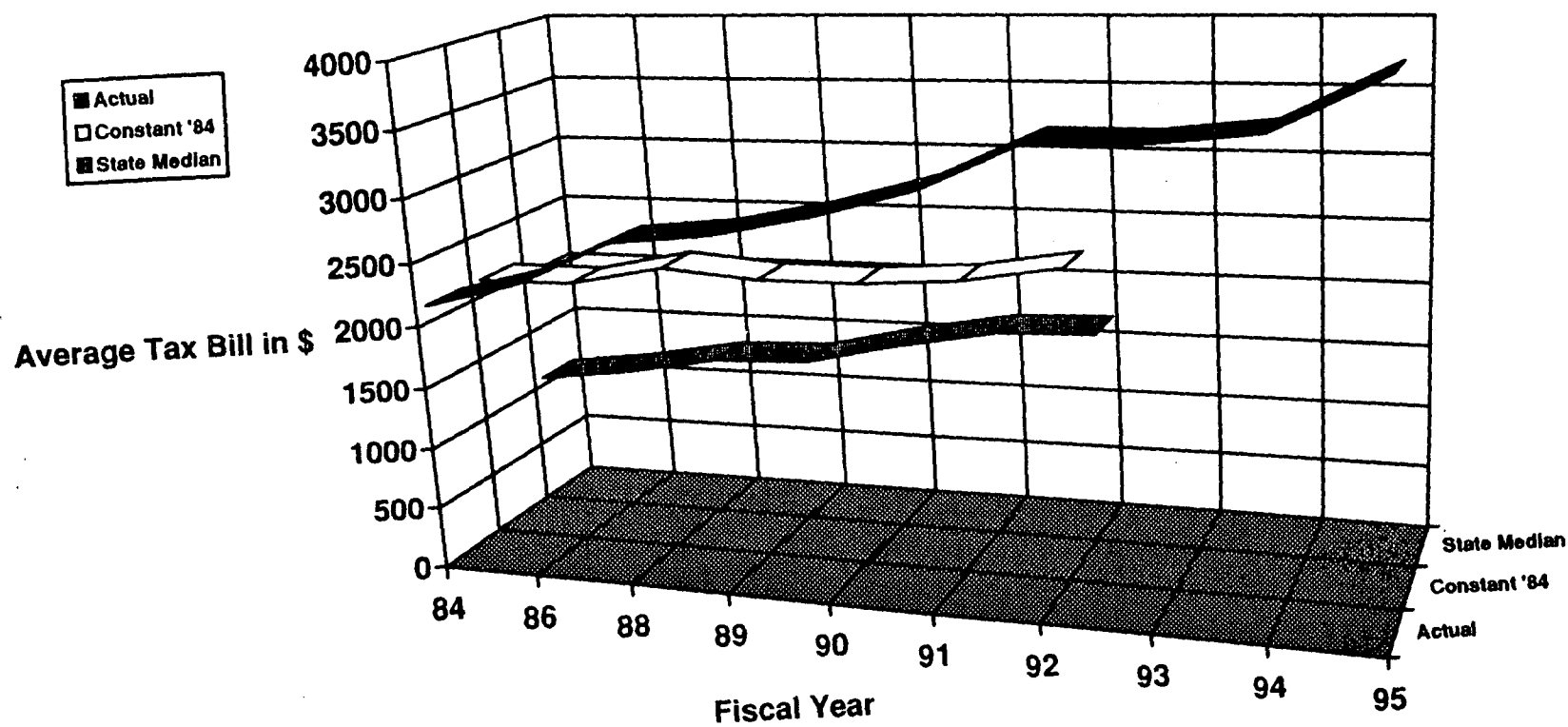
Acton Average Tax Bill Trend



- . Acton's tax bills have increased 2.9% to 14.6% per year or 1% to 9.5% more than the State median increases.
- . Acton's tax bills in constant FY'84 \$ are approximately flat over 8 years.

11/24/92

Acton Average Tax Bill Trend



- . Acton's tax bills have increased 2.9% to 14.6% per year or 1% to 9.5% more than the State median increases.
- . Acton's tax bills in constant FY'84 \$ are approximately flat over 8 years.

\$20 collected for \$1 spent

Few expenditures will ever produce the dramatic Return On Investment as our **Results 2000™** software. Our goal is to return \$20 or more to your municipality for every \$1 you spend for the system. Indeed, some communities have enjoyed returns of greater than 100 to 1.



Use of this application increases the free cash available to preserve a city or town's budget for critical basic services.

Find out how quickly we can help to relieve your immediate budgetary constraints. For more information on our tax delinquency capabilities call 1-800-950-3680.

Municipal Management Associates: *your revenue enhancement partner.*

Municipal Management Associates is a specialized service organization dedicated to helping Massachusetts municipalities to maximize revenue improvement in four major areas.

1. Advanced data processing, billing and collection services, software, and systems for the primary tax revenues of every municipality. These include real estate, personal property, motor vehicle and boat excise taxes, water/sewer utility bills, automated municipal lien certificates, and parking citation processing.
2. The only delinquent real estate/tax title system in the Commonwealth, with the ability to collect back taxes for previous fiscal years.
3. Privatization of parking ticket/meter maintenance services.
4. Consulting services for the development of improved revenue management systems.

For over 10 years we have been totally dedicated to helping municipalities to improve their financial position. Make sure we're added to your newly required bid list for these services. Better yet, give us a call to find out how your financial position can improve with Municipal Management Associates as your revenue enhancement partner.

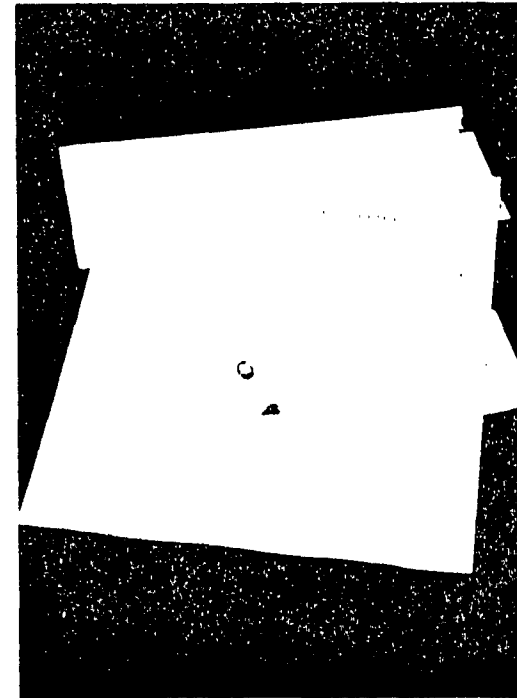


Municipal Management Associates, Inc.

221 Boston Post Road East, Marlborough, MA 01752
Phone: 800-950-3680 Fax: 508-481-5329

A proven, cost-effective system
for collecting

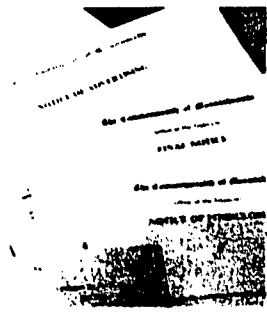
Delinquent Real Estate Taxes



Results 2000™

A unique solution for financial
and information management

Improve your cash position with the most successful delinquent collection system in the Commonwealth.



With the fiscal realities of today, most Massachusetts municipalities are spending their cash reserves to prevent budget shortfalls. In addition, maintenance projects and new equipment acquisitions are being delayed due to budgetary constraints. Yet many communities continue to

carry real estate tax receivables of 10% or more from the current year—and millions of dollars in unpaid taxes from previous years.

To help Treasurers, Collectors and other officials to better cope with local financial necessities, there's **Results 2000™**. This unique Delinquent Real Estate Tax Collection System provides features—and bottom line results—that no other data processing system can match. **Results 2000™**

- produces a series of computerized delinquency notices to expedite revenue collections.
- automatically assesses penalty fees and fines so you collect all revenues allowed by law.
- incorporates delinquencies for all years on individual properties—the only system in the Commonwealth with the ability to address receivables beyond the current year.
- ties into your current real estate tax records as well as into municipal lien certificate records.

- produces all legal documents necessary to handle tax title accounts in Massachusetts Land Court.
- gives you the ability to process information in “batch lots” or “on-line”; to generate numerous types of management reports; to apply payments to any year you choose; and many other performance options.

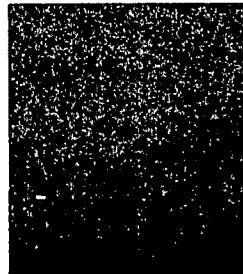
“Easily Financed”

Although funds may not be presently appropriated to fund delinquent tax collections, Massachusetts law allows for Municipal Management Associates to be hired now, even though we are not in your current budget. The Tax Collector simply issues a letter to the Board of Assessors citing M.G.L. Chapter 60, Sec. 37B, and the Treasurer does the same citing M.G.L. Chapter 60, Sec. 50B, and you can start collecting additional revenues from delinquent real estate taxes immediately. In most cases, municipalities collect hundreds of thousands of dollars before the Assessors even add the expenditures to the recap sheet.

The fiscal year 1992 Massachusetts state budget amended the Uniform Procurement Act (Chapter 30B) by no longer requiring public bidding for a contract to collect delinquent taxes.

How Watertown improved its tax collection system.

The Town of Watertown has been using Municipal Management Associates' Delinquent Real Estate Tax System for a number of years in conjunction with Municipal Management's current real estate billing and receivables system. The results have been truly impressive.

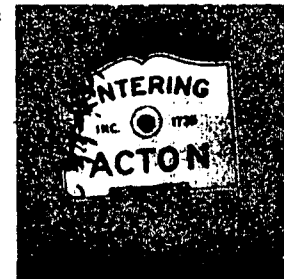


Watertown annually raises over \$29 million in real estate taxes. Through efficient management and improved collection systems, the Watertown Tax Collector has raised real estate collections to greater than 98.6% of the annual levy at fiscal year end. As of June 30, 1991, less than \$200,000 remained delinquent, from over \$144 million of tax bills for the past five years. Watertown is proof that good management practices with excellent systems produce superior results.

How Acton collected almost \$500,000 in only six months.

In 1991, the Town of Acton was owed almost \$1.15 million dollars in delinquent real estate taxes plus interest and fees. In only six months after implementing Municipal Management's **Results 2000™** software over \$483,000 was collected, a full 42% of the total owed

for over ten years. Acton is an example of municipal and private professionals working together to achieve immediate results.



DRAFT

Adoption of multiple tax rates allows Acton's residential taxpayers to bear a lower percentage share of the tax levy than business taxpayers. The Classification Act requires the Department of Revenue (DOR) to "calculate a minimum residential factor (MRF) to ensure that any shift does not create a "disproportionate burden for business taxpayers". Acton annually must establish a residential factor (RF) equal to or greater than the MRF established for it by the DOR.

THE MRF established by the DOR for levy year 1991 was 86.8. Acton selected a RF of 97.4.

DOLLARS EFFECTS OF SHIFTS *

RF	Actual Residential Tax Rate	Tax Rate if No Shift	Net Change
97.4	\$12.32	\$12.65	.33
MRF			
86.8	10.98	12.65	1.67

Based upon the data above using a taxable residential value of \$250,000, the tax bill for a single family residence:

1. Tax Bill No shift	\$3,162.50	(250 x 12.65)
2. Tax Bill Selected RF	3,080.00	(250 X 12.32)
3. Tax Bill MRF	2,745.00	(250 X 10.98)

Next I computed Multiple Tax Rates by Selected Communities

Town	Min. Res. Factor	Res. Factor Chosen	Dollar Shift to CIP /000's
Acton	86.8	97.4	\$466
Concord	91.8	96.7	711.
Lexington	83.2	84.7	5,322
Maynard	86.5	88.6	792

Bedford

65.9

73.0

2,967

I submit that the dollar shift is not appropriate to a town like Acton.

Reasons for multiple tax rates:

Businesses are able to depreciate their assets as an expense over 30 year period or less. Businesses can claim deductions on their Mass Tax return for property taxes. Obviously the classification system is designed to equalize the tax burden between income and non-income producing properties.

When 100% valuation came into being in the late 70's a quirk in the law which allows apartments to be taxed at the residential rate which is a built in perk to that sector of the business community. Businesses that are located in a community that have a school system benefit in two ways.

1. Assets held by business are generally with more than those communities with poor school systems.

2. Businesses are more able to attract employees to a community with a viable school system.

Social Consequences?

Environment and Quality of Life

* BOR data.

cc: BOS
FINCOM

11/13

RCV
12/1/92

Town of Acton

NOV 2 1992
Planning Department

472 Main Street Acton, Massachusetts 01720

(508) 264-9636

INTERDEPARTMENTAL COMMUNICATION

TO: Don P. Johnson, Town Manager DATE: November 12, 1992

FROM: Roland Bartl, Town Planner R.B.

SUBJECT: Zoning Holding Articles for ATM 1992.

On behalf of the Planning Board I submit the following holding articles:

1. Article - Signs
2. Article - Reconstruction of existing nonconforming multifamily dwellings.
3. Article - Clarification of Zoning Bylaw

For details, please see attached copy of draft articles sent to Town Counsel on 11/4/92.

xc: Planning Board

[RHB.ZONE.92*15]

CHRIS - PLEASE RETAIN IN 1993 ATM ARTICLE FILE.

ARTICLE A - SIGNS

To see if the Town of Acton will vote to amend Section 7 of the Acton Zoning Bylaw as follows:

- a) Delete Section 7.4.1.3 in its entirety and renumber Sections 7.4.1.4, 7.4.1.5 and 7.4.1.6 to become new Sections 7.4.1.3, 7.4.1.4 and 7.4.1.5 respectively.
- b) Delete Section 7.12.1.2 in its entirety and replace with new section 7.12.1.2 as follows:

7.12.1.2 SIGNS with dimensions in excess of those permitted under Sections 7.7 and 7.8, subject to the following limitations:

- a) No SIGN higher or wider than one and one half times the height or width otherwise permitted, and
 - b) no SIGN larger than twice the otherwise permitted DISPLAY AREA, and
 - c) no FREESTANDING SIGN larger than 40 square feet in DISPLAY AREA or higher than 10 feet, and
 - d) Any such other limitation as the Planning Board may find appropriate to further the purpose of this Section as stated in Section 7.1.
- c) Insert new Section 7.12.1.11 as follows:

7.12.1.11 A SIGN displaying more than one symbol, logo or drawing, and more than one feature product or service.
 - d) Delete Section 7.12.2.6 in its entirety and renumber Sections 7.12.2.7, 7.12.2.8, 7.12.2.9 and 7.12.2.10 to become new Sections 7.12.2.6, 7.12.2.7, 7.12.2.8 and 7.12.2.9 respectively.
 - e) Delete Section 7.12.5 and replace with new Section 7.12.5 as follows:

7.12.5 Where a SIGN is located in a Local Historic District, the Planning Board shall have no authority to require or grant a Special Permit under this Section 7.12. Instead, acting under the Acton Historic District Bylaw, Chapter P of the Town Bylaws, but not under this Zoning Bylaw, the Historic District Commission shall have the power and discretion to approve such SIGN. However, any SIGN approved hereunder shall comply with this Bylaw, except that the Historic District Commission may exercise, and shall be limited to the same authority given to the Planning Board under Section 7.12.1.

or take any other action relative thereto.

SUMMARY

If adopted, paragraph a) of this Article will delete the requirement that signs and advertising devices in the village zoning districts feature light lettering on a dark background. Since adoption of this standard it became apparent that it has the potential of creating substantial conflicts with corporate logos and name recognition. The zoning bylaw contains a number of other design controls specific for signs in village zoning districts regulating size, height, materials, illumination and other aspects, which together will continue to assure that signs in the village zoning districts are appropriately scaled and designed for the village setting. Paragraphs b), c) and d) will broaden the scope and set more flexible design review criteria for signs that may be authorized through a special permit. Paragraph e) clarifies the intent of Section 7.12.5. No fiscal impact is anticipated by the adoption of this article.

Direct Inquiries to: Roland Bartl, Town Planner 264-9636
Selectman Assigned:

(S)
(F)
(P)

ARTICLE B - RECONSTRUCTION OF EXISTING NONCONFORMING MULTIFAMILY DWELLINGS

To see if the Town of Acton will vote to amend the Acton Zoning Bylaw as follows:

a) Insert new Section 8.7 as follows:

8.7 **Special Permit to Reconstruct Nonconforming Multifamily Dwelling** - The Planning Board may authorize by Special Permit the reconstruction or rebuilding of a Multifamily Dwelling, as defined in Section 3.3.4, which is nonconforming as to USE, LOT size or other applicable dimensional requirements, when such BUILDING was destroyed by fire or natural disaster, or by voluntary demolition, and it may authorize the continuation or resumption of the USE as a Multifamily Dwelling after completion of reconstruction. The following rules shall apply:

8.7.1 To the extent possible, the new BUILDING shall comply with the dimensional requirements applicable in the zoning district in which the BUILDING is located. However, the Planning Board may authorize or require smaller or larger dimensions as it finds appropriate to address public interest considerations, such as but not limited to the preservation or improvement of neighborhood atmosphere, historic architectural features or the spatial relationship between buildings, and to address public safety and health concerns.

8.7.2 The Planning Board shall consider an application for a Special Permit under this section only if it is filed before or within 1 year from the date of the issuance of a demolition permit by the Building Commissioner or within one year from the date of the fire or natural disaster which caused the destruction of the BUILDING.

8.7.3 The number of DWELLING UNITS shall not be increased as a result of reconstruction.

8.7.4 The Planning Board may impose conditions and require plan changes for the reconstruction as it deems appropriate and necessary to further the purpose of this Bylaw, including but not limited to conditions and changes affecting the architectural design and layout of the BUILDING, garages, driveways and other improvements.

or take any other action relative thereto.

SUMMARY

This article, if adopted, will authorize the Planning Board to grant a special permit for the reconstruction of an existing nonconforming multifamily dwelling, if such dwelling has been destroyed by fire or natural disaster, or if the owner wishes to demolish and replace the existing building. The provision of a special permit will ensure a public hearing and will allow the Planning Board to set appropriate conditions on such reconstruction. Nonconforming multifamily dwellings are scattered throughout Acton, but they occur more frequently within and near

the village centers. They represent some of the few affordable housing options in the Town of Acton and this article will encourage their continued use and existence. No fiscal impact is anticipated by the adoption of this article.

Direct Inquiries to: Roland Bartl, Town Planner 264-9636
Selectman Assigned:

(S)
(F)
(P)

ARTICLE C - CLARIFICATION

To see if the Town of Acton will vote to amend Section 4.4.4.2 of the Acton Zoning Bylaw as follows:

- a) Delete Sub-sections a., b. and d. in their entirety and replace with new Sub-sections a., b. and d. as follows:
 - a. Minimum TRACT OF LAND area: 80,000 square feet.
 - b. Minimum TRACT OF LAND FRONTAGE: Fifty (50) feet.
 - d. Minimum TRACT OF LAND width: Fifty (50) feet.

or take any other action relative thereto.

SUMMARY

If adopted, this Article will clarify the current intent of the Bylaw to set minimum criteria for the size and dimension of land upon which a Major Affordable Housing Development may be built. No fiscal impact is anticipated by the adoption of this article.

Direct Inquiries to: Roland Bartl, Town Planner 264-9636
Selectman Assigned:

(S)
(F)
(P)

[RHB.ZONE.92*14]

CC: BOS
FINCOM

7/11/92

Rec'd
12/1/92

Town of Acton

Planning Department

472 Main Street Acton, Massachusetts 01720

(508) 264-9636

November 4, 1992

Acheson H. Callaghan
Palmer & Dodge
One Beacon Street
Boston, MA 02108

NOV - 4 1992

REGARDING: Proposed Zoning Articles - Revised and Expanded

Dear Mike:

Enclosed please find a second draft of zoning articles proposed for the 1993 Annual Town Meeting Agenda. Thank you for your recommendations of 9/25/92 regarding Article B. They have been incorporated. Please review and comment on the articles as you see necessary.

The Planning Board has decided to propose additional changes to the sign bylaw. Part a) is as originally shown. Part b), c) and d) have been added to modify some of the scope and criteria for a Planning Board special permit. Part e) attempts to clarify the original intent of Section 7.12.5. However, maybe because of the clearer language it raises the question whether deference to the Historic District Commission amounts to the establishment of the Historic District Commission as a Special Permit Granting Authority. The draft language makes it clear that the Historic District Commission would not act under the Zoning Bylaw, but it effectively transfers the powers of the Planning Board to the Historic District Commission. As previously, the goal is to avoid a second layer of review for signs in Historic Districts. However, rather than to abdicate all sign bylaw standards in the Historic Districts, the intent is to provide reasonable flexibility as well as a safety net for the Historic District Commission which is based on law rather than regulations. Please look the section over with these questions in mind.

A new Article C was added to clarify the intent of Section 4.4.4.2. The minimum requirements were not meant to prevent smaller fee simple lots within a major affordable housing development but were intended to apply to the overall development site.

Sincerely,

Roland Bartl

Roland Bartl
Town Planner

cc: Don P. Johnson ✓

[RHB.ZONE.92*14]

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or take any other action relative thereto.

SUMMARY

If adopted, paragraph a) of this Article will delete the requirement that signs and advertising devices in the village zoning districts feature light lettering on a dark background. Since adoption of this standard it became apparent that it has the potential of creating substantial conflicts with corporate logos and name recognition. The zoning bylaw contains a number of other design controls specific for signs in village zoning districts regulating size, height, materials, illumination and other aspects, which together will continue to assure that signs in the village zoning districts are appropriately scaled and designed for the village setting. Paragraphs b), c) and d) will broaden the scope and set more flexible design review criteria for signs that may be authorized through a special permit. Paragraph e) clarifies the intent of Section 7.12.5. No fiscal impact is anticipated by the adoption of this article.

Direct Inquiries to: Roland Bartl, Town Planner 264-9636
Selectman Assigned:

(S)
(F)
(P)

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Direct Inquiries to: Roland Bartl, Town Planner 264-9636
Selectman Assigned:

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ARTICLE C - CLARIFICATION

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 - b. Minimum TRACT OF LAND FRONTAGE: Fifty (50) feet.
 - d. Minimum TRACT OF LAND width: Fifty (50) feet.

or take any other action relative thereto.

SUMMARY

If adopted, this Article will clarify the current intent of the Bylaw to set minimum criteria for the size and dimension of land upon which a Major Affordable Housing Development may be built. No fiscal impact is anticipated by the adoption of this article.

Direct Inquiries to: Roland Bartl, Town Planner 264-9636
Selectman Assigned:

(S)
(F)
(P)

[RHB.ZONE.92*14]



Rec'd 12/1/92

The Commonwealth of Massachusetts

Office of the Secretary of State
Michael Joseph Connolly, Secretary

November 4, 1992

Acton Board of Selectmen
Town Hall
Acton, MA 01720

Dear Board Members:

The 1992 election cycle has been the most extraordinary in recent history. Thanks to the professional efforts of town clerks such as Cornelia Huber, the election was a virtually flawless effort.

The presidential election year cycle is always a difficult one. In addition to President and other federal offices, all state legislative seats and county offices are on the ballot. Besides the four regularly-scheduled election days, there was an unprecedented number of special local and state elections creating real challenges for clerks in those municipalities which had to conduct a fifth or sixth election day. Further adding to the burden on clerks this year, there was a formal third party participating in primaries for the first time since 1976. The name chosen by the new party, the Independent Voters Party, created mass confusion for the more than one million voters who have always referred to their voting status as "independent." Again, it was the municipal clerks who were left to resolve the resulting chaos and confusion. In addition, this year the certification process was complicated by new laws allowing voters to sign for any number of candidates running for the same seat, and a need to allow congressional candidates to obtain signatures from outside the district from which they were seeking election.

In my fourteen years in office, I have never seen an election cycle which challenged town clerks and state election officers as they were challenged this year. Given their remarkable performance, I felt compelled to make this public commendation.

Sincerely,

Michael J. Connolly
MICHAEL JOSEPH CONNOLLY
Secretary of State

cc: Finance Committee

One Ashburton Place, Boston, Massachusetts 02108

COHORT SURVIVAL ENROLLMENT PROJECTION METHOD

Birth-> K = ?%

Grade K-> 1 = ?%

1992-93 Examples:

B -> K = 143.78%

K -> 1 = 111.07%

2 - 6 = range of 99.19% to 102.96%

B -> K:	139.36%	3 yr. ave.
	134.39%	6 yr. ave.
	126.39%	10 yr ave.

11/12/92

For BOS
Part of School
Presentation to
Fincom 12/2/92
JD

ENROLLMENT PROJECTION ASSUMPTIONS

- Does not include SPED out-of-district and SPED pre-school students.
- "Choice" student numbers added after projections made.

Projections based on 6 yrs. of history

- Demographic issues:
 - Less potential new building in Acton than Boxboro;
 - New families with children replacing couples with no children.
- These enrollment projection numbers are very conservative.

ENROLLMENT PROJECTIONS

ASSUMPTIONS

- Numbers do not include SPED out-of-district and SPED preschool students.
- Enrollment projections were made using only Acton and Boxborough students. "Choice" student numbers were then added as appropriate when they did not create the need for additional sections.
- All enrollment projection extrapolations were done using 6 years worth of enrollment history. Three year histories have been successful projecting short-term statistics because of the rapid enrollment increases in recent years. Projecting this same rate of increase over 10 years leads to larger numbers with which we feel uncomfortable at this time. We could have used 10 years worth of enrollment history which would have tempered recent increases too much. Using 6 years is a compromise which leads to more moderate numbers.
- It should be clear that each year of enrollment numbers that are projected become less reliable than the year before. There are many dynamic factors which are occurring in Acton and Boxborough, including in-migration of families with school-aged children, new construction (mainly in Boxborough), school "Choice", etc.
- The Use of Space Committee discussed demographic information with Acton's Town Planner. He does not see significant new construction affecting the number of students, but he does see a trend of older people without children at home being replaced in homes by younger families with children. This factor could create a larger and more immediate need for new classroom space than we have projected.
- The projections for number of rooms needed on the K-6 ENROLLMENT PROJECTION chart are conservative as a number of grade levels exceed the class size policy (e.g. 1993-4: K; 2; and 4)
- The projections for the number of K rooms needed is also very conservative because the chart assumes that all K rooms are utilized full days to the extent mathematically possible.
- The following tables of K-6 information represent the most efficient use of each classroom. In reality, some additional classrooms probably will be needed to accommodate Acton parents' options for choice of schools and the continual shift of students over the years as families move in and out of our communities.

**1993-94 ENROLLMENT
PROJECTION SUMMARY
(includes "Choice" students)**

- Difference in numbers of students
 - K-6= +144 (75->76=+1 "Choice" stu.s)
 - 7-8= 0 (63->82=+19 " ")
 - 9-12= +31 (125->155=+30 " ")
- Number of K-6 clrms. needed:
 - +5 - move sections up 1 grade
 - +7 - follow S.C. policy (14->15 K &
14->15 2nd)

10 YEAR K-6 ENROLLMENT PROJECTION SUMMARY

- Increase through 1999-2000 (1958- > 2273 students) then levels off.
- No. "Choice" students fairly constant
- Minimum of 16 regular clrms. needed within 7 years.

<u>Year</u>	<u>Total Rooms</u>	<u>1-year Rm. Inc.</u>	<u>Cum. Rm. Inc.</u>
93-94	83	+7	+7
94-95	88	+5	+12
95-96	89	+1	+13
96-97	90	+1	+14
97-98	90	0	+14
98-99	91	+1	+15
99-00	92	+1	+16

10 YEAR 7-12 ENROLLMENT PROJECTION SUMMARY

- Increase through 2002-3 (1799->2525 students)
- JHS space crunch in 1997-8 (5 yrs.) with 784 students. Peaks in 2001-2 (8 yrs.) with 923 students.
- JHS will have programmatic issues (e.g., "teaming") before actual student space issues.
- HS space crunch in 2001-2 (9 yrs.) with 1529 students. Continues through 2002-3 with 1652 students.

A.P.S. Enrollment Growth

SY 1987 to SY 1997

<u>YEAR</u>	<u>ENROLLMENT*</u>	<u>ENROLLMENT INCREASE</u> <u>Since SY 1987</u>	<u>TOTAL ROOMS</u> <u>FOR INSTRUCTION</u>	<u>CUMULATIVE</u> <u>ROOM INCREASE</u>
SY1987	1,610	-	66	-
SY1993	2,000	+390 (+24%)	78	+12
SY1994**	2,174	+564 (+35%)	83	+17
SY1997**	2,291	+681 (+42%)	90	+24

***Includes SPED Out of District and SPED Pre-School Students**

****Projected School Enrollment**

SPACE PROBLEM EXISTS NOW

- * 3 McCarthy-Towne 6th Grades at Merriam - 3 3/4 Rooms**
 - * Curriculum Specialists at Merriam - Gym**
 - * Systemwide Computer Lab at Merriam - 1 Room**
 - * CASE Program at Merriam - 3 1/2 Rooms**
 - * Conant loses Art Room - SY 1993-1994**
 - * McCarthy-Towne loses Drama Room - SY 1993-1994**
 - * Gates must satellite 2-3 classes - SY 1993-1994**
 - * Douglas must satellite 1 class - SY 1993-1994**
 - * Gates already using foyer for pupil services programs**
- Douglas already using hall space for E.S.L. program**

cc: BOS

Town of Acton

Planning Department

472 Main Street Acton, Massachusetts 01720

(508) 264-9636

South Acton Village Planning Committee

DEC - 3 1992

Minutes for Meeting of:
October 28, 1992

Members in attendance: Bob Pion, Betsy Eldridge, Sam Manka, Sushama Gokhale'. Also present: Roland Bartl (Town Planner).

The October 14, 1992 meeting had been cancelled.

Roland distributed the 1993 meeting schedule. Meetings in 1993 will generally be on the 2nd and 4th Tuesday of each month. Committee members present found that this would fit their schedule.

50 survey returns which had not been properly tallied were distributed to committee members to redo the work.

The committee discussed the draft letter to the Board of Selectmen regarding the proposed market study for South Acton Village, and the proposal to use funds from the 'Great Hill' gift account. Estimated maximum cost for market study is \$30000.00. Committee voted unanimously to send letter as drafted. It was suggested the Roland contact the Acton Chamber of Commerce to see if the Chamber could assist the Town with funds or with grant programs available through the Chamber or others.

The committee discussed the draft letter to the Board of Selectmen regarding the proposed intersection and signal design study for Main and School Streets and relate intersection, and the proposal to use funds from the Great Hill gift account. Estimated maximum cost for preliminary design work is \$16000.00. Engineering design and preparation of plans for submission for state/federal funding is estimated to cost an additional \$75000.00.

Next regularly scheduled meeting: Wednesday, November 18th, 1992.

Minutes approved November 18, 1992.

cc: Town Clerk, Planning Board, Board of Selectmen

[RHB.SAVPC.1]

RECEIVED & FILED

DATE December 3, 1992

Catherine Becher
TOWN CLERK, ACTON

Water Supply District of Acton

DEC - 1 1992

P.O. BOX 953

MASSACHUSETTS AVENUE

ACTON, MASSACHUSETTS 01720

cc: BOS

BOARD OF WATER COMMISSIONERS
HARLAN TUTTLE BUILDING
693 MASSACHUSETTS AVENUE
ACTON, MA 01720

NOVEMBER 30, 1992

AGENDA:

7:30 P.M. - CALL TO ORDER

7:31 P.M. - COMMENTS FROM CITIZENS AND OPEN DISCUSSION

ACCEPT MINUTES OF MEETING NOVEMBER 9, 1992

NEW BUSINESS

WARRANTS & COMMUNICATIONS

GARAGE ADDITION - BIDS DECEMBER 9, 1992 2:00 P.M.

COMMISSIONERS REPORT FOR THE ANNUAL REPORT

WARRANT ARTICLES

NEW DISTRICT EMPLOYEE

OLD BUSINESS

CONANT SITE #2

WORD CHANGES IN DISTRICT REGULATIONS

L & S BUILDERS SUBDIVISION IN SOUTH ACTON

MANAGER'S CONTRACT - INSURANCE

LABORATORY LEASE

MAGIC



Acton
Boxborough
Carlisle
Concord
Hudson

Littleton
Marlborough
Maynard
Stow
Sudbury

**MINUTEMAN ADVISORY GROUP
ON INTERLOCAL COORDINATION**

A Subregion of Metropolitan Area Planning Council

Minuteman Advisory Group on Interlocal Coordination

60 Temple Place, Boston, MA 02111 617 / 451-2770

cc: BOS

MEETING NOTICE

December 10, 1992
7:30 p.m.
Maynard Municipal Building
Main Street

DEC - 3 1992

Please note:

*** * Discussion with legislators postponed * ***
(due to scheduling conflicts)

Be sure to notify anyone you have invited to attend!

The revised MAGIC agenda is as follows:

7:30 p.m. Rt. 2 CAC update

7:40 p.m. Ft. Devens

- * CAC Update
- * Response to requests to support creation of Ft. Devens Development Corporation
- * Ft. Devens Annex

Will 93 BRAC surplus this property?
What steps, if any, should MAGIC take to prepare?

8:20 p.m. Allocation formula for contributions to MAGIC

8:30 p.m. Proposed revisions of MAGIC by-laws and MOA

MAGIC reps should review the proposed revisions enclosed in last month's packet and bring them to the meeting.

ROLAND



Metropolitan Area Planning Council

60 Temple Place, Boston, Massachusetts 02111 617/451-2770

Serving 101 cities and towns in metropolitan Boston

RECEIVED
NOV 1 1992

November 30, 1992

ACTON ENGINEERING DEPT.

TO: Local Elected Officials, Managers and Administrators
FR: Marjorie A. Davis, President
RE: Transportation Funds and Projects

I wrote to you on November 18, 1992 informing you that the state transportation agencies were recommending the transfer of federal and state highway construction funds to transit projects. With that letter I provided a memorandum (dated November 17, 1992) to Richard Taylor, title "Proposed Actions on ISTEA Utilization" and a resolution adopted by the MAPC Executive Committee (dated November 17, 1992).

I noted in my letter that I abstained from voting for the transfer because we did not have time to consult with member communities, nor did we understand the impact on the highway projects already in the Transportation Improvement Program. I also mentioned that we would host a meeting of local officials within 30 days to discuss the proposed transfer with MBTA and MHD representatives.

A meeting with state transportation officials is scheduled for:

Friday, December 11, 1992
at 9:30 A.M. (for about one hour)
in the State Transportation Building
2nd Floor Conference Room 2&3

Don't
Note date & time
R.B.

This is an extremely important meeting for the communities in MAPC. The recommendations may impact projects in your community.

If you have any questions do not hesitate to contact David Soule or Ed Bates at the MAPC office.

***PLEASE BE SURE THAT YOUR
COMMUNITY IS REPRESENTED***

MAD/mlm

cc: MAPC Community Representatives
TIP Community Coordinators

12/3
cc: BOS - UPDATE
JIM LEE WILL
ATTEND.
Jan

Marjorie A. Davis, President

Edmund P. Tarallo, Vice-President

Richard A. Easler, Secretary

Marylou Batt, Treasurer

David C. Soule, Executive Director

*8 Revolutionary Road.
Acton,
MA 01720
USA.*

DEC - 1 1992

November 27, 1992.

(508) 263 4191

John Murray,
Assistant Town Manager,
Town of Acton,
472 Main Street,
Acton,
MA 01720.

Dear Mr. Murray,

Thank you for your letter of November 2 replying to the problems I experienced with trying to enter the Transfer Station when my wife had taken the "stickered" car shopping! I really do appreciate your attention to this matter and the efforts to organize a more equitable system for utilizing the facility.

It is very gratifying to live in a town where issues such as this are given immediate and personal attention. Your colleagues and yourself should be highly commended for this effort.

Once again, many thanks,

Yours sincerely,

Paul M. White

Dr. Paul M. White.

cc: BOS - FYI



environmental engineers, scientists,
planners, & management consultants

CAMP DRESSER & McKEE INC.

Ten Cambridge Center
Cambridge, Massachusetts 02142
617 252-8000

~~DEC - 1 1992~~

November 25, 1992

Ms. Lynne Jennings
U.S. Environmental Protection Agency
Waste Management Division
Region I, 90 Canal Street
Boston, MA 02114

and

Mr. Edmond G. Benoit
Regional Engineer
Bureau of Waste Cleanup
Massachusetts Department of
Environmental Protection
75 Grove Street
Worcester, MA 01605

CC: BOS - COVER LTR. ONLY
FULL REPORT IN RF/RETAIN

Subject: W.R. Grace & Co., Acton, Massachusetts

Dear Ms. Jennings and Mr. Benoit:

On behalf of W.R. Grace & Co., Camp Dresser & McKee Inc. (CDM) hereby submits the Formal Responses to the Government Parties' Comments on the Draft VFL Pilot Scale Test Workplan.

The enclosed responses address the EPA and DEP comments on the September 2, 1992 submittal of the Pilot Test Workplan. These responses were incorporated into the November 11, 1992 submittal of the workplan.

It was intended that the submittal of the November 11, 1992 version of the workplan include these comment responses, but they were left out of the submittal in error. We are therefore submitting them now for your records.

We apologize for any inconvenience this may have caused in your review of the workplan.

CAMP DRESSER & McKEE INC.

Bruce R. Conklin

Bruce R. Conklin, P.E.
Associate

BRC:paa

#798-118-RT-PROC

Enc.



environmental engineers, scientists,
planners, & management consultants

CAMP DRESSER & McKEE INC.

Ten Cambridge Center
Cambridge, Massachusetts 02142
617 252-8000

November 30, 1992

Ms. Lynne Jennings
U.S. Environmental Protection Agency
Waste Management Division
Region I, 90 Canal Street
Boston, MA 02114

and

Mr. Edmond G. Benoit
Regional Engineer
Bureau of Waste Management
Massachusetts Department of
Environmental Protection
75 Grove Street
Worcester, MA 01605

DEC - 3 1992

CC: BOS - COVER LTR. ONLY
FULL REPORT IN RF/RETAIN

Subject: W.R. Grace & Co., Acton, Massachusetts

Dear Ms. Jennings and Mr. Benoit:

On behalf of W.R. Grace & Co., Camp Dresser & McKee Inc. (CDM) hereby submits, for your review, a Landfill Wells Work Plan incorporating all prior comments.

Very truly yours,

CAMP DRESSER & McKEE INC.

Bruce R. Conklin, P.E.
Associate

BRC:paa

#798-113-RT-WKPL

Enc.

DISTRIBUTION:

Lynne Jennings (6)
Edmond Benoit (2)

cc: D. Halley, Acton (3)
P. Reiter, GZA (2)
D. Kronenberg, Grace (1)
J. Swallow, Pine & Swallow (1)
B. Leach, Concord Board of Health (1)
W. Cheeseman, FHE (1)
D. Johnson, Acton (1)

C. Tuttle, DEP Boston (2)
J. Ayres, GZA (1)
S. Anderson (1)
H. Fox, Sierra Club (1)
C. Myette, Wehran-MDEP (1)
R. Eisengrein, ACES Tag Mgr. (1)



environmental engineers, scientists,
planners, & management consultants

DEC - 1 1992

CAMP DRESSER & MCKEE INC.

Ten Cambridge Center
Cambridge, Massachusetts 02142
617 252-8000

November 30, 1992

FILE COPY

Ms. Lynne Jennings
U.S. Environmental Protection Agency
Waste Management Division
Region I
90 Canal Street
Boston, MA 02114

CC: BOS - COVER LTR. ONLY.
FULL REPORT IN RF/RETAIN

and

Mr. Edmond Benoit
Regional Engineer
Bureau of Waste Cleanup
Massachusetts Department of
Environmental Protection
75 Grove Street
Worcester, MA 01605

Re: W.R. Grace & Co., Acton, Massachusetts

Dear Ms. Jennings and Mr. Benoit:

On behalf of W. R. Grace & Co., Camp Dresser and McKee Inc (CDM) is submitting an amended 30 Percent Design for the Remedial Action. It is our understanding that this document is not for Government Party (GP) approval but for their information. The work on the 60% design submittal is proceeding.

Comments received from the GP on the 30% Design in your October 30, 1992 and November 9, 1992 letters indicate that there were considerable differences in our respective interpretations of the contents of a 30% Design. The checklist contained in the October 30, 1992 letter was first provided at a technical meeting in February 1992. We viewed this as part of some draft ideas as to the conduct of the project with a view of speeding completion of the entire project. The schedule portion on the draft document was further discussed and revised and certain portions reiterated and dictated by later correspondence. To our recollection, the design check list was never discussed after the February 1992 meeting. The GP did reiterate that the 30% design submittal should include backup on the design decisions.

The Remedial Plan of Action (RPA) dated February 16, 1990 and the RD/RA Workplan dated July 6, 1990 were existing documents that provided guidance on

Ms. Lynne Jennings
Mr. Edmond Benoit
November 30, 1992
Page 2

the contents of the Design submittals. While the entire RD/RA Workplan was never accepted, the initial activities in the document were accepted as Phase 1 work under the project. The remainder of the document, while never formally approved, was anticipated to provide the framework for the next steps or future phases in the project. In fact, the full project schedule submitted by W. R. Grace in January 1992 was based on this document. The RD/RA Workplan provided details on what the 30% design submittal was to include with references to the work elements described in the RPA. RPA and RD/RA Workplan contain references to a Design Workplan. The RD/RA Workplan also references a conceptual design report (Activity 9). Since the project was accelerated and both parties expected the next submittal to be a 30% design, much of the preliminary conceptual information and the design workplan were not prepared.

It is clear from the GP letter, dated November 9, 1992, that there was an expectation of submitting what is traditionally called a preliminary or concept design document (Included as Appendix 2 in the letter). The preliminary design document serves to extract information and rationalization for design elements from the feasibility studies. This is especially important on complex design project with many interrelated or dependent components which may be occurring in parallel. (W. R. Grace is not a complex design project in this respect.) The example included in the November 9, 1992 letter (Davis Liquid Site Preliminary Design Report) is just such a preliminary document and was submitted prior to initiation of plans and specifications.

Our experience on Superfund projects is that once the parties reach agreement on the design elements, the 30% design submittal is a set of plans and specifications supported by a backup document on the design. We have recently completed (1988) two projects very similar to the W. R. Grace site (Charles George and Nyanza) and the 30% Design Report was far less a report than backup information for the plans and specifications. Information of the contents of the 30% design submittals for those projects is attached for reference.

In an effort to resolve the outstanding issues and proceed with the project as quickly as possible we have submitted the following information:

- A response to the GP check list indicating information submitted.
- Additional information for the 30% Design requested by the GP and currently available. This information is included in the amended 30% Design Report.

Ms. Lynne Jennings
Mr. Edmond Benoit
November 30, 1992
Page 3

- Responses to the specific GP comments on the initial 30% Design document.

Please contact us if you have any questions concerning the enclosed documents.

Very truly yours,

CAMP DRESSER & McKEE INC.



Bruce R. Conklin, P.E.
Associate

BRC:paa

Enc.

File: 798-117-DN-MGT

DISTRIBUTION:

Lynne Jennings (6)
Edmond Benoit (2)

cc: D. Halley, Acton (3)	C. Tulle, DEP Boston (2)
P. Reiter, GZA (2)	J. Ayres, GZA (1)
D. Kronenberg, Grace (1)	S. Anderson (1)
J. Swallow, Pine & Swallow (1)	H. Fox, Sierra Club (1)
B. Leach, Concord Board of Health (1)	C. Myette, Wehran-MDEP (1)
W. Cheesman, FHE (1)	R. Eisengrein, ACES Tag Mgr. (1)
D. Johnson, Acton (1)	

GRACE

Polyfibron Division

W.R. Grace & Co.-Conn.
66 Hayden Avenue
Lexington, MA 02173

(617) 861-6600

cc: BOS

November 23, 1992

Ms. Lynne Jennings
U.S. Environmental Protection Agency
Waste Management Division
Region I
JFK Federal Bldg -HSU-CAN5
Boston, MA 02203-2211

Subject: Resubmittal Following 30% Design Review

I am writing this letter to confirm our understanding of EPA's current wishes regarding the 30% Design submittal for the Acton site cleanup.

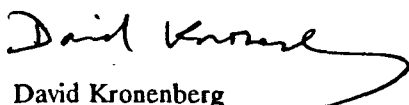
Currently, as per my telephone conversation with Michael LeBlanc on November 16 and confirmed at the November 23 technical meeting, it is my understanding that EPA does wish for Grace to provide some additional information on November 30, supplementary to that provided with the 30% Design submittal.

Mr. LeBlanc conveyed to me by telephone, and you and Mr. LeBlanc confirmed at the November 23 technical meeting, that EPA and DEP would like this additional submittal to address those items designated in the October 30 letter from EPA as deficiencies, which we can conveniently address at this time, but that not all items referenced in the October 30 letter are required to be addressed at this time. Items from that letter that are not addressed at this time are to be treated as comments to be addressed in the 60% Design or the 100% Design submittals.

It is our further understanding, based on the November 16 telephone conversation and the November 23 technical meeting, that this supplementary submittal would not be for approval by EPA, but solely for information purposes, and that approval or disapproval of all design items including those of the 60% Design submittal would take place at the 100% Design stage. Preceding submittals will receive comments only; the comments are to be addressed in the 100% Design at the latest.

I need to request your affirmative confirmation of this understanding since it does differ from previous written direction from the Agency. If you could confirm for me for the record that this last paragraph represents your current guidance regarding the Design documents, I would appreciate it.

Sincerely,


David Kronenberg
Manager of Environmental Affairs

DEK/cr

doc124

cc: Steve Anderson, Anderson and Kreiger
John Ayers, GZA
Edmond Benoit, DEP
William Cheeseman, Foley, Hoag & Eliot
Bruce Conklin, Camp Dresser & McKee
Thomas Cusson, Section Chief, DAQ
Robert Eisengrein, ACES
Howard Fox, Sierra Club
Doug Halley, Acton
Don Johnson, Acton Town Manager
Michael LeBlanc, EPA
Michael Mahar, Regional Engineer, BWP
Michael Moore, Concord B.O.H.
Gretchen Muench, EPA
Charles Myette, Wehran-MDEP
Paul Reiter, GZA
Mark Stoler, Grace
John Swallow, Pine & Swallow Associates, Inc.
Charles Tuttle, DEP

INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: 12/4/92

TO: Board of Selectmen

FROM: Nancy Tavernier

SUBJECT: Procedure for replacing Town Clerk

According to the Acton Town Charter, the Board of Selectmen have the responsibility for hiring the Town Clerk. We need to establish a hiring procedure as soon as possible since the ad is set to run in the local paper in the next week.

Since it is required that the Town Clerk be an Acton town resident, there should not be the volume of applicants that a similar job would normally attract but it does become more "politically sensitive " since many of the applicants may be known to us.

I would suggest that a screening committee be established by the Board that could consist of the Clerk's immediate supervisor (Roy), the Town Manager or designee, and one or two members of the Board. This committee could make initial screening decisions from applications, interview the top prospects, and come up with perhaps 3 finalists who would then be interviewed by the full Board in open session, hopefully in January.

We should be prepared to act on this recommendation at our December 15 meeting.

**TOWN OF ACTON
TOWN CLERK**

The Town of Acton is seeking applications for the full-time position of Town Clerk. Applicant must be an Acton resident, have strong oral and written communication and computer skills. Office and document management experience is required. Starting rate is DOQ with excellent fringe package. Applications will be accepted until December 30, 1992. Please send to Town Manager's Office, 472 Main Street, Acton, MA 01720.

The Town of Acton is an Equal Opportunity Affirmative Action Employer M/F.

Posted Internally: 12/3/92
Advertised: 12/10 & 12/17

guidelines which are to be implemented by officers and employees appointed by or under its authority. Individual selectmen shall not purport to represent the board or exercise the authority of the board except when specifically authorized by the board to do so. The selectmen shall make appointments to the offices specified in Section 4 - 2 of this Article, and they may make appointments to temporary posts and committess they create for special purposes.

The board of selectmen shall hire, determine compensation for, and be responsible for the qualifications of a town manager, and, when required, a temporary town manager. The board shall communicate to the town manager its plans and policies so as to secure their effective implementation. The selectmen shall prepare a contract establishing the conditions for the town manager's employment, its term and termination, and the compensation in earned dollars, benefits, perquisites and remunerative incentives. They shall remove and replace the town manager, if and when required, in accordance with the provisions of Section 4-3 (c) and (d).

(c) The board of selectmen may investigate any town agency or official appointed or hired by them or the town manager, and they shall have access to all records they deem necessary for this purpose.

(d) The selectmen may remove for stated cause any of the officers or members of town agencies appointed or hired by them.

(e) *Licensing authority* — The selectmen shall be a licensing board for the town and shall have the power to issue licenses, to make all necessary rules and regulations regarding the issuance of such licenses, and to attach conditions and to impose restrictions on any such license it may issue as it deems to be in the public interest, and to enforce all laws relating to the issuance of such licenses.

**** (f) *Hiring responsibilities* — The selectmen shall hire people for the following positions:

<i>Town Charter</i>	<u>TITLE</u>	<u>LENGTH OF TERM (YEARS)</u>
	Town Accountant	3
	Town Counsel	1
	Town Manager	3
	Town Clerk	3

*Salary
FY 93* 31,087.06 — 38,707

Acton

May 1986

TOWN CLERK

Reports to: Finance Director; appointed by the Board of Selectmen

Summary: Responsible routine to complex administrative and supervisory work in performing the statutory duties of the Town Clerk's Office; related work as required.

Supervisory Responsibility: Work includes direct supervision over two administrative and clerical employees, and other seasonal part time employees assigned to the division during peak periods.

Distinguishing Characteristics of the Position:

Required Knowledge: Bachelor's degree plus three years of responsible work experience, including some supervisory experience; or high school graduation plus five years of responsible work experience in municipal government, including exposure to a broad range of municipal functions and records; or any equivalent combination of education and experience.

Supervisory Controls: Supervisor sets overall objectives and resources, working with employee to develop deadlines and goals. Employee responsible for planning and carrying out assignments independently, resolving most conflicts which arise and coordinating work efforts with others. Policy is interpreted on own initiative in terms of established objectives. Supervisor is kept informed of progress, problems, and implications of decisions.

Guidelines: Guidelines are available in the form of state and town laws, rules, regulations, and policies, but are not always completely applicable to the situation at hand. Employee uses judgment in interpreting and adapting the guidelines to particular situations, analyzing results and recommending changes.

Complexity: Work includes various duties involving different and unrelated processes and methods. Employee must analyze subject or issues involved in each assignment, and choose the appropriate course of action from many alternatives.

Scope and Effect: Work involves the execution of specific regulations and procedures. Errors in judgment could result in incorrect or incomplete recording of vital information, which could cause considerable inconvenience to the public and result in loss of productivity for employees to correct the error. Other errors could interfere with the accurate recording of official town votes and records; could be costly to correct; and could lead to adverse public relations.

Personal Contacts/Purpose of Contacts: Contact with other employees within the department and in other Town departments. Frequent contact with the general public, committee and board members, representatives from various town and state organizations and agencies, and public officials, to receive or provide information, and to resolve operating or procedural problems.

Physical Demands/Work Environment: Work is typically office-type, but includes some walking, standing, and carrying light items, such as files and bound documents. Environment involves everyday risks or discomforts which require normal safety precautions typical of offices.

Special Requirements:

Licenses - No special licenses required.

Skills - Excellent verbal and written communication skills. Excellent interpersonal and organizational skills. Good attention to detail. Familiarity with state and municipal rules and regulations concerning the conduct of elections, the issuance of licenses, and the conduct of the annual census. Working knowledge of data processing applications and their potential for integrating processes. Familiarity with laws concerning access to public records. Working knowledge of general municipal operations. Ability to exercise sensitivity and discretion in all phases of work.

Examples of Duties:

Receives, records, and indexes all births, deaths, and marriages in Acton and to Acton residents. Receives and processes marriage intention notices. Issues marriage licenses and certificates, and processes corrections to such records.

Registers voters. Responsible for conducting all municipal, state, and federal elections, in accordance with state and federal statutes. Prepares ballots for Town Elections. Supervises the preparation and proper maintenance of voting equipment. Determines voter eligibility.

Conducts the annual Town Census, in accordance with state laws. Prepares the List of Persons, School List, Jury List, and Voting List, in accordance with state laws. Publishes the List of Persons and Voting List. Issues residency and business certificates.

Receives fees and issues licenses for fish and game, dogs, and raffles and bazaars. Prepares periodic reports to the County and/or State regarding receipt of such fees.

Responsible for recording and preparing written records of all Town Meeting actions. Prepares copies of bylaw amendments to send to the Attorney General for approval. Prepares and maintains index of Town Meeting actions. Responsible for hiring personnel to check-in voters at Town Meeting.

Receives, files, and records a wide variety of records and documents, such as department rules and regulations; site plans; Planning Board decisions; Board of Appeals applications and decisions; Historic District and Earth Removal decisions; cemetery deeds and records of perpetual care; pole locations; minutes of board and committee meetings; appointments and resignations of Town officers; and meeting notices. Provides public access to these records, when appropriate.

Administers the oath of office to committee and board members.

Administers the Town's record management program, which includes the operation of the Town Clerk's vault. Provides for the effective retention, preservation, restoration, retrieval, disposal, and safekeeping of Town records, in accordance with the rules and regulations of the Secretary of State's Office. Acts as Town Archivist with responsibility for organizing, cataloging, and preserving ancient records.

Provides overall direction and management to department employees. Assures the smooth operation of the department, including budget preparation and administration.

Fallick

POSITION DESCRIPTION

ORGANIZATION Lexington	POSITION TITLE Town Clerk	Div. Town Clerk CST	No 11/89 DATE
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DUTIES

Under the general direction of the Town Manager, responsible for the direction, administration and operation of the functions and duties of the Town Clerk's Office in accordance with the By-Laws of the Town of Lexington and the General Laws of the Commonwealth of Massachusetts.

Accountable for the processing, verifying, routing and maintenance of official records and documents, vital statistics, issuance of permits and licenses in compliance with Town and state statutes and ordinances.

Responsible for the total administration of local, state and federal elections. Compile and maintain voter registrations and voter lists. Coordinate and oversee registration procedures and set-up and administration of polling places. Provide direction to election workers. Oversee the tabulation and reporting of all election results. Receive, maintain and certify all nomination papers, ballots, warrants and other election documents. Responsible for campaign finance law administration including explanation of laws and requirements, filings, etc. Administer oath of office to all elected and appointed officials.

Serve as official records keeper for the Town. File and maintain all state statutes, Town By-Laws, Board of Selectmen and Town Manager Acts. Maintain membership lists of all boards and committees; serve as resignation authority. Serve as filing agent for Planning Board, Historic District Commission, Board of Appeals and all other required official filings and notifications. Serve as Keeper-of-the-Seal and notary public for official certifications and notarizations.

Serve as Clerk of the Town Meeting. Attend all meetings; oversee admission process; record all attendance, motions submitted and actions taken.

(Continued - Over)

BASIC KNOWLEDGE

Duties require knowledge of municipal government, applicable statutes and By-Laws, and election regulations equivalent to the completion of four years of college. Must be bonded and possess Notary Public license.

EXPERIENCE

Work requires three years of experience in municipal town clerk functions with supervisory experience.

INDEPENDENT ACTION

Under general direction, perform position responsibilities in conformance with established laws, regulations and Town Meeting actions. Refer personnel, capital expenditure and politically sensitive decisions to the Town Manager.

SUPERVISORY RESPONSIBILITY

Provide supervision to three (3) FTE's and a varying number of census and election workers.

Lexington

Duties - Continued

Administer and oversee activities and operations of the annual census. Provide direction and assistance to census workers. Perform and/or oversee the compilation of information and the production of reports and records.

Responsible for the preparation of a variety of records and reports including lists generated from census, the production of the annual Town Street List, and a variety of reports to state and federal agencies including election records, license and certificate and vital statistics reports, etc.

Interview and recommend selection of Town Clerk Office staff. Provide day-to-day direction and assistance to staff. Prepare and conduct performance evaluations and recommend other personnel actions. Responsible for the recruitment, selection and supervision of election and census workers.

Prepare and submit Town Clerk, Board of Registrars and election budgets; administer all approved funds. Oversee the collection and processing of all fees and submission of receipts to the Town Treasurer, and the county and state governments.

Provide information and assistance to the general public, a variety of Town departments and boards, and a variety of external organizations, municipal governments, and state agencies.

Maintain current knowledge of profession and all applicable local, state and federal laws, regulations and ordinances.

Perform other related duties as required.

Post-it brand

Fax Transmittal Memo 7672

To	Christiane	From	Amy Andrews
Company	Town of Acton	Company	Town of Concord
Location		Location	Personnel
Fax #	264-9630	Fax #	369-5240
Telephone #		Telephone #	371-6210

TOWN CLERK ~~577~~ (11/79) 56
MP6

Definition: Administrative, supervisory and clerical work relating to registration of voters; the conduct of elections; the advertizing of, conduct of and reporting of actions taken by Town Meetings; the recording of vital statistics; the issuing of certain licenses and permits; the preparation, printing and distribution of the Town's Annual Report; the filing of public notices; the issuing of certified copies of records; the recording and filing of certain decisions and notices and the custody of certain official Town records; related work as required.

Distinguishing Characteristics: Works under general direction of the Town Manager but with duties and responsibilities as defined by the General Laws of the Commonwealth, the Town charter and bylaws of the Town.

Plans, supervises and reviews the work of assistants.

Errors could be costly in the recording of incorrect information with the possibility of an alleged liability on the part of the Town.

Makes frequent contacts with the public and Town, County and State officials.

Examples of Work: Signs and certifies Town by-laws, resolutions, contracts, report and other documents and supervises their transmittal to appropriate officials; arranges for legal publications of by-laws and election notices.

Conducts municipal elections; establishes polling places, distributes election supplies; hires and supervises poll workers; tabulates and records election returns. Registers voters whenever office is open except during periods closed before elections.

Maintains records on marriage, birth and deaths. Issues certified copies of records as required.

Conducts correspondence and answers inquiries by telephone relating to the activities of the office.

Issues marriage licenses, dog licenses, hunting, fishing and trapping licenses; presents all applications for licenses and permits at the Selectmen's meeting. Reports sale of al. hunting and fishing licenses to State, and dog licenses to County.

Desirable Qualifications: High school graduation supplemented by formal training in business administration and ten years of progressively responsible experience in maintaining complex systems of clerical records including administrative duties in connection therewith.

Thorough knowledge of office procedures, the care of official and legal documents. Ability to make procedural decisions based on controlling statutes.

TOWN PERSONNEL DEPT.
TOWN HOUSE BOX 636
CONCORD, MA 01742

Salary Range:
\$ 33,337 - 48,339

Hours/week = 37.5
M-F 8:30-4:30

BROWN & BARRETT

CERTIFIED PUBLIC ACCOUNTANTS

25 Cemetery Street • P.O. Box 230
Mendon, Massachusetts 01756

(508) 478-3941
FAX: (508) 478-1779

Robert E. Brown II, C.P.A.
Stephen G. Barrett, C.P.A.

November 19, 1992

Mr. W. Roy Wetherby
Finance Director
Town of Acton
Acton, MA 01720

Dear Mr. Wetherby,

The purpose of this letter is to inform you that we will have to add an additional qualification to our "Auditor's Report" pursuant to the Town's recording of accrued sick and vacation time. GAAP requires that accruals be made to reflect the liability which exists for vacation and sick time which has been earned by employees but not taken. No such accrual has been made by the Town because to date we have not received accrued sick and vacation information relative to School Department employees from your office.

Your attention to this matter would be greatly appreciated to allow for the issuance of the Town's final audit reports. Please feel free to contact us regarding this matter.

Sincerely yours,

Brown & Barrett

Brown & Barrett

Certified Public Accountants

CC: BILL RYAN > 12/3
BOS

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orting Principles for Claims and Judg-
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20.

Judgment Transactions for Governmental

nd Financial Reporting Principles, p. 16/

Contingencies

reporting Principles for Claims and Judg-
21.

nd Financial Reporting Principles, p. 17/

ision Matters, ¶¶ 10 and 12.

mination Benefits Paid to Employees, ¶¶ 1

COMPENSATED ABSENCES

NCGA-1 (Governmental Accounting and Financial Reporting Principles) notes that general long-term debt may include items that are not debt issuances *per se*. An item that can either be reported (1) as a liability of a specific governmental fund, or (2) as part of the General Long-Term Debt Account Group is an obligation that arises from compensated absences policies adopted by state and local governments. NCGA-4 (Accounting and Financial Reporting Principles for Claims and Judgments and Compensated Absences) addressed the issue by requiring that accounting and reporting standards established by FASB-43 (Accounting for Compensated Absences) be followed by state and local governments.

OBSERVATION: FASB-43 explicitly exempted state and local governments from the accounting and reporting standards established by the Statement. Thus, prior to the issuance of NCGA-4, governmental units could account for compensated absences in a number of ways, including the cash basis.

Compensated Absences as Governmental Liabilities

Employee benefits may include compensation for absences that arise from situations such as vacations, holidays, and illnesses. These benefits are referred to as compensated absences and are the subject of FASB-43. FASB-43 does not apply to other employee benefit payments, such as severance or termination pay, postretirement benefits, deferred compensation, or long-term disability pay, made by state and local governments.

FASB-CS-6 (Elements of Financial Statements) defines a liability as "probable future sacrifices of economic benefits arising from a present obligation of a particular entity to transfer assets or provide services to other entities in the future as a result of past transactions or events." Compensated absences may give rise to liabilities that should be reflected in a governmental entity's financial statements. The

Compensated Absences

liability may be recorded as a liability of a specific governmental fund (in essence, a current liability) when the obligation will be liquidated by the use of expendable available financial resources of the governmental fund. Alternatively, payments associated with compensated absences policies may extend over several months or years and, therefore, should be presented as part of the General Long-Term Debt Account Group.

OBSERVATION: Prior to the issuance of NCGA-4, the accounting for accumulated unused vacation and sick pay leave benefits was established by SOP 75-3 (Accrual of Revenues and Expenditures by State and Local Governmental Units). SOP 75-3 did not require an accrual for accumulated unused vacation and sick leave benefits. The nature and estimated amount of the benefits were to be disclosed in a note to the financial statements; however, no disclosure was required when the estimated amount at the end of the fiscal year did not exceed a normal year's accumulation. NCGA-4 supersedes that portion of SOP 75-3 which applies to accumulated unused vacation and sick pay leave benefits.

Accounting for Compensated Absences

The recognition of a liability, as defined above, for compensated absences is dependent upon whether employee rights vest or accumulate. FASB-43 defines these two terms as follows:

- *Vested rights*—represent rights which the employer has an obligation to make payment even if an employee terminates; thus, they are not contingent on an employee's future service.
- *Accumulated rights*—represent rights that are earned but unused rights to compensated absences that may be carried forward to one or more periods subsequent to that in which they are earned, even though there may be a limit to the amount that can be carried forward.

Based on the characteristics of the compensated absences plan, the governmental unit must either make an accrual for the benefits or make certain disclosures with respect to the benefit plan.

Accrual of compensated absences When all of the following four conditions exist, a governmental unit must accrue a liability for employees' compensation for future absences:

- The employer's obligation to receive compensation for employees' services already rendered.
- The obligation relates to compensated absences.
- Payment of the compensation is probable.
- The amount can be reasonably estimated.

The first of the four criteria relates to the period in which the benefits are earned. For example, if an employee has a compensated absence during the second year of employment, the absence should be accrued during the second year. Reductions due to expected turnover are not considered.

OBSERVATION: NCGA-4 requires that accumulated rights criteria be met. FASB-43 recognized that compensated absences may nonetheless require an accrual. FASB-43 recognized this principle in appendix A that "individuals are entitled to compensated absences earned by service."

In order for the compensated absences liability to be probable, FASB-43 requires that the benefits be probable as the "future event."

The final criterion for accrual is that the benefits under the benefits plan must be probable. Guidance in estimating the amount of the liability to be accrued can be found in FASB-43, Appendix A, Estimation of the Amount of the Liability. When a range (rather than a single amount) is estimated, the amount with the greatest probability of occurrence should be used. The following range of compensated absences has been developed:

Reasonable estimate of future benefits earned under compensated absences plan

\$1,000,000
\$1,400,000
\$1,600,000
\$1,900,000

of a specific governmental when the obligation will be payable financial resources of payments associated with and over several months or listed as part of the General

of NCGA-4, the accounting and sick pay leave benefits of Revenues and Expenditures Units). SOP 75-3 did not require vacation and sick leave benefits to be accrued at the end of the year's accumulation. NCGA-4 does not apply to accumulated benefits.

ences

ned above, for compensated employee rights vest or accumulate as follows:

which the employer has an obligation if an employee terminates; an employee's future service. Rights that are earned but unexercised that may be carried forward subsequent to that in which they may be a limit to the amount

compensated absences plan, make an accrual for the benefits related to the benefit plan.

When all of the following four criteria must accrue a liability for compensated absences:

- The employer's obligation relating to employees' rights to receive compensation for future absences is attributable to employees' services already rendered.
- The obligation relates to rights that vest or accumulate.
- Payment of the compensation is probable.
- The amount can be reasonably estimated.

The first of the four criteria recognizes the need to record a liability in the period in which the benefit was earned by the employee. For example, if an employee has a vested right to a three-week vacation during the second year of employment, the actual benefit is earned and should be accrued during the first year of employment subject to reductions due to expected turnover rates.

OBSERVATION: NCGA-4 and FASB-43 both use the vested or accumulated rights criterion as a basis for accrual. It should be recognized that compensated absences that do not vest or accumulate may nonetheless require accrual if they represent a liability. FASB-43 recognized this possibility when it was concluded in an appendix that "individual facts and circumstances must be considered in determining when nonvesting rights to compensated absences are earned by services rendered" (paragraph 12).

In order for the compensated absences to be accrued the payments must be probable. FASB-5 (Accounting for Contingencies) defines probable as the "future event or events that are likely to occur."

The final criterion for accrual states that the future payments under the benefits plan must be subject to reasonable estimation. Guidance in estimating the amount of the compensated absences to be accrued can be found in FASB Interpretation-14 (Reasonable Estimation of the Amount of a Loss). This Interpretation concludes that when a range (rather than a single point estimate) for an accrual is estimated, the amount within the range with the greatest probability of occurrence should be the basis for accrual. For example, assume that the following range for possible accrual of compensated absences has been developed:

<u>Reasonable estimate of future benefits earned under compensated absences plan</u>	<u>Probability of payment</u>
\$1,000,000	20%
\$1,400,000	40%
\$1,500,000	25%
\$1,900,000	15%

Compensated Absences

The amount of accrual (either as a specific fund liability or as part of the General Long-Term Debt Account Group) should be \$1,400,000. If all point estimates within the range have the same probability of occurrence, the minimum amount of the range should be accrued. In the above example, if all four point estimates had a 25% probability of occurrence, the accrual would be \$1,000,000, with the disclosure of possible additional losses of \$900,000.

NCGA-4 requires that the governmental unit *inventory* liabilities for compensated absences at the end of each accounting period and prepare an adjustment based on current salary costs. Thus, accruals made in prior years would have to be increased to reflect increases in the annual compensation base of employees.

When the amount of the accrual for compensated absences has been determined, the actual accrual will be reflected either as a liability of a specific governmental fund or as part of the General Long-Term Debt Account Group. The amount to be reflected as a specific governmental fund liability is the portion of the accrual that will be liquidated with expendable available financial resources. To illustrate the accounting for compensated absences, assume that the estimated accrual at the end of the period is \$300,000, of which \$50,000 is expected to be paid from expendable available financial resources of the General Fund. The following entries would be made to record the accrual:

GENERAL FUND	
Expenditures—Compensated Absences	50,000
Estimated Liability For Compensated Absences	50,000
GENERAL LONG-TERM DEBT ACCOUNT GROUP	
Amount To Be Provided For Payment Of Compensated Absences	250,000
Estimated Liability For Compensated Absences	250,000

The accrual for compensated absences may be disclosed on the face of the financial statements or in notes to the financial statements in the following manner:

Expenditures:

Compensated absences (\$300,000 [total amount determined for the year under NCGA-4] less \$250,000 [recorded as long-term obligations])	<u>\$50,000</u>
---	-----------------

OBSERVATION: The above disclosure is required by NCGA-4; however, the disclosure requirements established for claims are not applicable.

An example of a note to the financial statements of the nature and amount of the accrual is presented below:

► Accumulated unpaid vacation and sick leave of the proprietary funds. Only the current year's benefits are accrued in the government's financial statements. Unpaid sick pay and all the unpaid vacation pay is the accumulation, as described above, reached retirement age. The method of accrual is NCGA-4.

Employees may accumulate sick leave in terms of number of hours of accumulation. However, vacation leave is limited to the number of hours of accumulation. Employees are paid 100% of their accumulated sick leave only under the following conditions: (a) if the employee's classification (or the total of the employee's classification) of the total of the accumulated sick leave is terminated for any reason other than death; (b) 50% of the accumulated sick leave time employees terminated for any reason other than death.

The amount of the accrued sick leave is:

	<u>Current</u>
Governmental funds	\$1.7
Proprietary funds	\$1

OBSERVATION: FASB-45 requires that the gross amount of the pre-accrual compensated absences should be disclosed in the financial statements.

Nonaccrual of compensated absences, as listed earlier, do not

mental unit inventory liabilities for of each accounting period and rent salary costs. Thus, accruals e increased to reflect increases in employees.

for compensated absences has
al will be reflected either as a
fund or as part of the General
The amount to be reflected as a
is the portion of the accrual that
available financial resources. To
nsated absences, assume that the
e period is \$300,000, of which
pendable available financial
following entries would be made

Employees may accumulate sick leave without limitation as to the number of hours of accumulation. However, the maximum accumulation of vacation leave is limited to the number of hours accruable during two years. Employees are paid 100% of their accumulated vacation pay when they terminate their employment for any reason. Accumulated sick pay is paid only under the following conditions: (a) 50% to 55% (depending on employee's classification) of the total accumulation is paid upon retirement or death; (b) 50% of the accumulation in excess of 120 days is paid for full-time employees terminated for any other reason after 10 full years of continuous service.

ences sated	50,000	
		50,000
roup ent		
sated	250,000	
		250,000

bsences may be disclosed on the
n notes to the financial statements

0 [total amount deter-
A-4] less \$250,000
ons)) \$50,000

GOVERNMENTAL GAAP GUIDE / 42.05

Compensated Absences

sated absences. If all of the criteria exist, except for the fourth criterion (subject to reasonable estimation), that fact must be disclosed in the financial statements. Examples of nonvesting rights to compensated absences that often do not accumulate and therefore are not accrued include benefits for jury duty and military leave.

Accumulated Sick Pay Benefits

There is one exception to the general rule of accrual for compensated absences. Even if the four criteria exist, FASB-43 states that an entity is not required to accrue a liability for "nonvesting accumulating rights to receive sick pay benefits" (compensation for absences due to illness). Thus, a governmental entity is free to either accrue or ignore the estimated liability that arises from nonvesting accumulating sick pay benefits. Once a specific method of accounting is adopted, it must be applied consistently from period to period.

***OBSERVATION:** It should be noted that because there are acceptable alternative accounting methods for accounting for nonvesting accumulating sick pay benefits, the method selected must be disclosed as part of the "Summary of Significant Accounting Policies" as required by APB-22 (Disclosure of Accounting Policies).*

The stated reason that FASB-43 does not require (but does not prohibit) the accrual of nonvesting accumulating sick pay benefits is to "minimize the estimating burden" that is needed to implement the Statement.

***OBSERVATION:** Apparently, there was another reason for the exception. Two members of the FASB dissented to the exception because they believed sick pay benefits are part of compensation when, and only when, the employee becomes sick, not when the employee accumulated the sick pay benefits.*

Sick pay benefits must be the result of actual illness in order for the exception to apply. In some circumstances, sick pay benefits may be routinely allowed by the employer when the employee is not ill, or the employee may be allowed to take compensated terminal leave

prior to retirement. Benefits of this type are accrued only if the four criteria discussed earlier exist.

Proprietary Funds

NCGA-4 requires that Enterprise Funds follow FASB-43 without modification for compensated absences.

Trust Funds

Expendable Trust Funds use the accrual basis of accounting (accrual) that apply to governmental Trust Funds and proprietary funds (accrual basis). As discussed in this chapter, Trust Funds should account for compensated absences with FASB-43 as modified by NCGA-4. Pension Trust Funds should also account for compensated absences.

LITERATURE

Material in this chapter is based on the following literature, which are grouped according to chapter. A dual reference (both part and paragraph numbers) is given for NCGA-1 and NCGA-2 because the paragraph numbers are different.

Introduction

NCGA-1 Governmental Accounting

¶ 43.

NCGA-4 Accounting and Financial Statements and Compensated Absences, ¶ 43.

Compensated Absences as Governmental Accounting

FASB-43 Accounting for Compensated Absences

FASB-CS-6 Elements of Financial Statements

NCGA-4 Accounting and Financial Statements and Compensated Absences, ¶ 43.

except for the fourth criterion, fact must be disclosed in vesting rights to compensated absences and therefore are not military leave.

of accrual for compensated absences. FASB-43 states that an entity "nonvesting accumulating compensation for absences due to illness is free to either accrue or not accrue from nonvesting accumulation of accounting is adopted, period to period.

that because there are accounts for accounting for compensated absences, the method selected for significant accounting disclosure of Accounting

is not required (but does not require) accumulating sick pay benefits is that is needed to implement

as another reason for the exception presented to the exception because part of compensation when, sick, not when the employee

actual illness in order for the employee to receive sick pay benefits may be when the employee is not ill, or compensated terminal leave

prior to retirement. Benefits of this nature are subject to accrual if the four criteria discussed earlier exist.

Proprietary Funds

NCGA-4 requires that Enterprise Funds and Internal Service Funds follow FASB-43 without modification in accounting for compensated absences.

Trust Funds

Expendable Trust Funds use the same accounting basis (modified accrual) that apply to governmental fund types, while Nonexpendable Trust Funds and proprietary funds use a similar accounting basis (accrual basis). As discussed in this chapter, Expendable Trust Funds should account for compensated absences in a manner consistent with FASB-43 as modified by NCGA-4. Nonexpendable Trust Funds and Pension Trust Funds should apply FASB-43 without modification to account for compensated absences.

LITERATURE REFERENCES

Material in this chapter is based on the following authoritative pronouncements, which are grouped according to the major headings used within the chapter. A dual reference (both paragraph and page number) is used for NCGA-1 and NCGA-2 because the original pronouncements do not use paragraph numbers.

Introduction

NCGA-1 *Governmental Accounting and Financial Reporting Principles*, p. 9/ ¶ 43.

NCGA-4 *Accounting and Financial Reporting Principles for Claims and Judgments and Compensated Absences*, ¶ 23.

Compensated Absences as Governmental Liabilities

FASB-43 *Accounting for Compensated Absences*, ¶¶ 1 and 2.

FASB-CS-6 *Elements of Financial Statements*, ¶ 35.

NCGA-4 *Accounting and Financial Reporting Principles for Claims and Judgments and Compensated Absences*, ¶ 7.

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-TOWN OF ACTON

Fax Transmittal Memo 7872

To DON JOHNSON/JOHN MURRAY
 Company ACTON
 Location
 Fax #
 Telephone #
 Comments

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 From BOB MORANEY
 Company NESAC
 Location
 Fax #
 Telephone # 526 1242
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NORTH EAST SOLID WASTE COMMITTEE

PRESS RELEASE

December 2, 1992 -- An arbitration panel ruled yesterday that Massachusetts Refusatech, Inc. (MRI), the operator of the North Andover waste-to-energy facility, deserved less than a quarter of the estimated \$75 million in higher revenues it sought from the member communities of the North East Solid Waste Committee (NESWC).

The panel denied MRI's claim that NESWC's trash was causing the facility's operating costs to rise, but agreed that MRI was entitled to additional revenue because the price of the energy MRI sells is much lower than economists had projected it would be when the communities signed their contracts with MRI in 1981. MRI had argued that it was losing money in operating the plant because of the unexpected decline in energy prices.

NESWC has not yet calculated the impact the panel's decision will have on current tipping fees. "The panel awarded approximately \$6 million plus interest to MRI for the decline in energy revenues from 1985 to the present," said Robert Moroney, NESWC's acting executive director. The Advisory Board will be meeting on Friday, December 4, 1992, to discuss the ramifications of the decision.

At current energy prices, MRI will obtain an estimated \$12 million more in tipping fees over the remaining 13 years in the communities' contracts. If the price of energy increases and comes closer to the economists' projections made in 1981, the towns will have less of an energy revenue shortfall to make up to MRI. Also, NESWC is currently working out an agreement to refinance the original bonds that paid for the facility's construction, Moroney said, and the interest savings to the towns in the remaining years of the contract may fully offset the increase due to the panel's decision.

The panel rejected MRI's second claim that the trash delivered by the NESWC communities was burning hotter than estimated and causing increased operating costs. "Had it prevailed, this claim would have caused a much more dramatic increase in the tipping fee," Moroney said. NESWC was represented in the arbitration by the law firm of Palmer & Dodge in Boston.

MRI had alleged that "hotter" trash causes the facility to shut down more often for cleaning, increases wear and tear on the boilers and reduces the amount of trash the facility can burn, all of which would cause lower revenue for MRI. The panel found that the waste stream at the North Andover plant does burn hotter than projected, but determined that MRI did not prove that the NESWC communities were responsible for this increase. The facility receives trash from sources other than the NESWC communities and MRI had not separately tested the NESWC trash.

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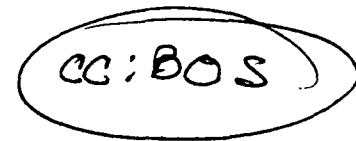
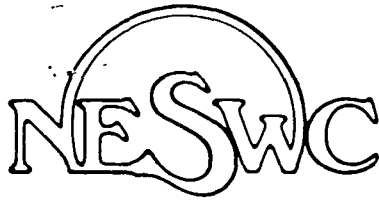
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NESWC is a consortium of 23 communities, each of whom entered 20-year contracts to deliver their trash to the North Andover facility. The 23 NESWC communities are Acton, Andover, Arlington, Bedford, Belmont, Boxborough, Burlington, Carlisle, Dracut, Hamilton, Lexington, Lincoln, Manchester, North Andover, North Reading, Peabody, Tewksbury, Watertown, Wenham, Westford, West Newbury, Wilmington and Winchester.

For further information, contact Robert Moroney at (508) 526-1242.



NORTH EAST SOLID WASTE COMMITTEE

MINUTES of the EXECUTIVE COMMITTEE MEETING of NOVEMBER 19, 1992

This meeting of the Executive Committee was called to order by Chairman Robert Moroney at 1:41 pm. Those present were:

Robert Palmer (Wilmington)	John Seites (Peabody)
Robert Moroney (Manchester)	Henry Rugo (Lincoln)
Richard Spiers (Lexington)	John Murray (Acton)
Robert McQuade (Andover)	Edward Barker (Winchester)
Donald Marquis (Arlington)	Don Johnson (Acton)
Jeff Hull (Wilmington)	Peter Buhler (Financial Advisor)
John McMahon (Watertown)	Ruth Ellen Fitch (Palmer & Dodge)
Michael Caira (Wilmington)	Craig Blais (Arlington)
Peter Castanino (Belmont)	Richard Warrington (Bedford)
Stephen Daly (N. Reading)	James Gordon (N. Andover)
David Cressman (Tewksbury)	George Schruender (N. Andover IDFA)

Minutes of the Executive Committee meeting of September 24, 1992 were offered for consideration; upon MOTION by Mr. McQuade, SECONDED by Mr. Rugo and VOTED to approve the minutes as presented.

Minutes of the Executive Committee meeting of October 24, 1992 were offered for consideration. Upon MOTION by Mr. McQuade, SECONDED by Mr. Spiers and VOTED the minutes were approved as presented.

Minutes of the Executive Committee of November 5, 1992 were then offered for consideration. Upon MOTION by Mr. Spiers, SECONDED by Mr. McQuade and VOTED the minutes were approved as presented.

A long, often heated discussion of the North Andover issues ensued in which the general consensus was reached whereupon the NESWC Communities, through their Representatives and Senators, would lobby the Massachusetts Industrial Finance Agency to waive all processing fees due to the financial constraints placed on the member communities.

The North Andover Industrial Development Financing Authority's transaction fee was discussed next. Mr. Spiers noted he had no opposition to paying IDFA costs but anything beyond actual costs appears inappropriate. Mr. Gordon noted that the IDFA is appointed by the North Andover Board of Selectmen and that the IDFA wants the

items under consideration today. He further stated that the IDFA had guaranteed approval of the refinancing if the NESWC Communities acted favorably on the North Andover request and anything less than favorable action would require serious consideration by the IDFA. After further discussion, Mr. Marquis recommended tabling this request. Mr. Murray MOVED, Mr. McQuade SECONDED and it was VOTED to table this request.

Mr. Moroney then explained that the draft letter attached to the meeting briefing memo reasonably describes North Andover's proposal concerning design of a new roadway parallel to the Merrimack River connecting Charles Street and Old Holt Road. Mr. Gordon discussed North Andover's concerns with truck traffic on the local roadways. Mr. Spiers noted he shared North Andover's concerns for wanting to cure traffic problems but asked why this proposal is coming now when he would probably back the request at another time. Mr. Gordon noted it was unfortunate these items are proposed at this time citing the void created by the lack of a fulltime Executive Director and North Andover's proposed solution to this void. A brief discussion ensued concerning which roads are utilized now by the trucks, how the new road might solve North Andover's problems, and promises made by the Commonwealth when the project was originally being discussed. Mr. McQuade noted that it might be possible to plead the communities' case with the State Highway Commissioner for the state to up front the money for the project design.

Mr. Gordon next discussed North Andover's proposal for the Host Community fee to be paid based on the facility's original capacity (465,000 tons/year) instead of actual tonnage processed. Questions were asked concerning how the Host Community fee is calculated and North Andover's disposal fees at the facility. After a general discussion of NESWC community relations and marketing strategies the sense of the members was to move to the next topic. Mr. Marquis MOVED, Mr. Spiers SECONDED and it was VOTED to table item 4 and go onto the next Agenda Item.

Mr. Cressman noted his reasoning for suggesting an Interim Executive Director as he perceived NESWC to be in a dysfunctional mode. He suggested bringing in a person who is not afraid to ruffle feathers and chart a new direction for NESWC. Mr. Marquis noted the possible need for specialized help after the refinancing. He stated he could not support an Interim Executive Director and was not interested in postponing the permanent search. When asked, Mr. Cressman responded that he thought the person should have a legislative and management background. Mr. Spiers noted the need to find an Executive Director and he supports Mr. Marquis's thoughts on utilizing specialized help. Mr. Johnson noted that it may take two to three months to find the kind of individual suggested by Mr. Cressman and that NESWC should continue with the search. Mr. Warrington noted the current perception of NESWC and cited the need to get an Executive Director to stabilize NESWC. The proposal died from lack of a MOTION but not lack of interest.

Mr. Moroney updated the Committee on the status of the advance payment (Lincoln remaining) and the GAT survey (15 of 23 communities had responded). Ms. Fitch reported on the status of the Guarantor votes (Tewksbury, Winchester and Hamilton have not voted) and on the successful preliminary meeting with the bond insurers. A discussion of IDFA and MIFA fee practices resumed at this point. Mr. Gordon asked if anyone had seen a proforma from Public Financial Management (PFM) on the anticipated cash flow through the end of the fiscal year. Mr. Moroney stated that some communities have been billed in excess of the greater of GAT or tons delivered and have refused to pay the bills.

Mr. Marquis noted that he was not getting sufficient information on the refinancing. Since his comments were echoed by others at this meeting, it was decided to

hold an Advisory Board meeting on December 4, 1992 at a location to be determined to focus on the refinancing and all the refinancing related side issues. All consultants will be asked to attend and it was noted that the meeting could run all day, if necessary, to inform the communities of the refinancing and its consequences.

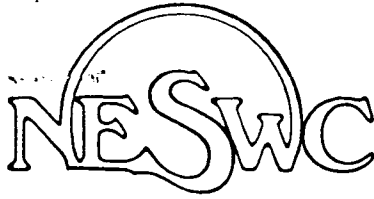
Ms. Fitch next discussed the special legislation filed to permit communities to borrow without additional town meeting approved funds necessary for any arbitration settlement. Mr. Marquis and Mr. Cressman asked why the settlement could not be borrowed as part of the refinancing by changing the General Laws if necessary. Ms. Fitch indicated to change the Law would require changing MGL Chapter 44 which is perceived as being controversial. The special legislation proposed is perceived as non-controversial. Mr. McQuade asked if NESWC could negotiate repayment with MRI. Ms. Fitch responded affirmatively but cautioned not to approach MRI until the settlement has been issued.

A brief discussion ensued on how any arbitration rulings would be apportioned among the communities. Ms. Fitch indicated that MRI's fiscal year is the calendar year and not the fiscal year observed by the NESWC communities. Mr. Murray MOVED and Mr. Rugo VOTED two opposed (Mr. Seites and Mr. Castanino) to recommend to the Advisory Board that any settlement be apportioned on the greater of GAT or delivered tonnage each fiscal year.

Mr. Moroney next discussed the overbilling controversy noting that the Executive Committee's vote of December 12, 1991 was flawed because it did not include a mechanism for adjusting entire fiscal year bills on the greater of GAT or delivered tons. The Base Fee Credit Fund had been expected to accumulate overpayment; however, this fund had not operated as intended during FY92. Mr. McQuade MOVED, Mr. Murray SECONDED and it was VOTED (one opposed, Mr. Seites) to adjust billing during the last month of the fiscal year so that total annual billings are based on the greater of GAT or delivered tons.

Mr. Murray noted that NESWC needs to own PFM's model on the completion of the refinancing.

The meeting adjourned at 5:07 pm.



cc: Bos

DEC - 3 1992

NORTH EAST SOLID WASTE COMMITTEE

MINUTES of the ADVISORY BOARD MEETING of SEPTEMBER 24, 1992

This meeting of the Advisory Board was called to order by Chairman Robert Halpin (Westford) at 7:30 pm. Those present were:

Robert Moroney (Manchester)	Henry Rugo (Lincoln)
Richard Spiers (Lexington)	John Graham (N. Andover)
Robert McQuade (Andover)	John Seites (Peabody)
Donald Marquis (Arlington)	Ed Barker (Winchester)
Peter Castanino (Belmont)	William Shailor (Wenham)
Ira Sills (Counsel)	Don Johnson (Acton)
Robert Halpin (Westford)	Ruth Ellen Fitch (Palmer & Dodge)
Stephen Daly (N. Reading)	Ed Flanagan (Tewksbury)
Richard Warrington (Bedford)	Warren Carey (Tewksbury)
Robert Palmer (Wilmington)	Paul Stoller (CDM)
Robert Hale (Palmer & Dodge)	Nancy Winkler (PFM)
John Schopfer (Bear Stearns)	John Gillespie (Bear Stearns)

The quorum for the Advisory Board according to the By-laws were modified on May 22, 1986 and it determined that the quorum consisted of a 25% weighted vote and 25% of the number of contract communities.

A roll call was conducted for this purpose:

<u>Present</u>	<u>Absent</u>
Peabody	Dracut
Arlington	Watertown
North Andover	Burlington
Winchester	Hamilton
Andover	Carlisle
Lexington	Boxborough
Belmont	West Newbury
Wilmington	
Acton	
Westford	
Bedford	
North Reading	
Manchester	
Tewksbury	

A majority vote of more than 25% of the communities and a total of 91 out of a possible 146 weighted votes was affirmed. A quorum was determined to be present.

The Minutes of the June 4, 1992 meeting were presented. Mr. Spiers (Lexington) asked for a correction of the Minutes on the bottom of page 2 and the top of page 3. The Minutes were then approved as corrected.

Mr. Rugo provided a brief report on the investment program.

Mr. Graham MOVED, Mr. Castanino SECONDED and by roll call vote the Advisory Board entered into Executive Session to discuss contract negotiations.

Returning to open session, the Board considered Tewksbury's request that they be credited with the tonnage originating from Tewksbury Hospital until such time as the hospital signs a contract directly with MRI. The Advisory Board approved this request and noted a permanent adjustment in Tewksbury's GAT will occur once the hospital signs the agreement with MRI.

Having no additional business, the meeting adjourned at 10:15 PM.

cc: BOS

November 30, 1992

TO: ACTON FINANCE COMMITTEE
FROM: JOE PETERS
SUBJECT: TAX CLASSIFICATION

The State Property Classification Act which requires towns and cities to make an annual decision on how the property tax burden will be shared by business and residential taxpayers has a built in provision to ensure that the decision of town officials does not create a "disproportionate burden for business taxpayers." Each year the Department of Revenue establishes for each community a "minimum residential factor" (MRF) and requires that the towns and cities adopt a "residential factor" (RF) which is at least equal to that minimum.

In levy year 1991, Acton's MRF was 86.8% but our Selectmen chose a RF of 97.4% allocating 10.6% less than the allowable limit. Under this formula a single family residence valued at \$250,000.00, that would be taxed at \$3,162.50 if the Selectmen

equalized the burden, was actually taxed at \$3,080.00, a savings of only \$82.50 to the taxpayer. Under the state guidelines the Selectmen could have selected the 86.8% MRF set by the state without imposing a "disproportionate burden" on business. If they had done that, the taxes would have been only \$2,745.00, saving the taxpayer \$417.50.

TABLE I
DOLLARS EFFECTS OF SHIFTS*

<u>RF</u>	<u>ACTUAL RESIDENTIAL TAX RATE</u>	<u>TAX RATE IF NO SHIFT</u>	<u>NET CHANGE</u>
97.4	\$12.32	\$12.65	.33
MRF			
86.8	10.98	12.65	1.67

* DOR Data

Based upon the data above using a taxable residential value of \$250,000, the tax bill for a single family residence:

1.	Tax Bill No Shift	\$3,162.50	(250 x 12.65)
2.	Tax Bill Selected RF	3,080.00	(250 x 12.32)
3.	Tax Bill MRF	2,745.00	(250 x 10.98)

The fairness of this decision is borne out not only by its conformance to the state fairness test but by the decisions of four neighboring towns (Concord, Maynard, Lexington and Bedford), all of which set their residential factors much closer to the allowable minimum. The total dollar value of the tax burden,

shifted to business in these towns, was much greater than in Acton, averaging \$2,448,000.00 to Acton's \$466,000.00.

TABLE II

MULTIPLE TAX RATES BY SELECTED COMMUNITIES SHIFTING THE BURDEN*

<u>Town</u>	<u>Min. Res. Factor</u>	<u>Res. Factor Chosen</u>	<u>Dollar Shift to CIP/000's</u>
Acton	86.8	97.4	\$ 466
Concord	91.8	96.7	711
Lexington	83.2	84.7	5,322
Maynard	86.5	88.6	792
Bedford	65.9	73.0	2,967

These comparisons demonstrate that business got a much better break in our town than they got in neighboring towns. In any case, nothing in this data supports our Selectmen's decision to shift some of the tax burden back to the single family taxpayers.

The classification system is designed to equalize the burden between income producing properties and non income producing properties recognizing that businesses depreciate property that has a useful life of more than one year. Depreciation is a non cash expense deducted each year in part of what was originally paid for the property. Property that has been fully depreciated may be depreciated again if it changes ownership. Businesses can also deduct the cost of repairs. Costs associated with

* Department of Revenue Data

improvements such as extensive remodeling, renovation or restoration can be capitalized and deducted over a period of years. They also can claim deduction for taxes on their state returns. Businesses benefit from schools. Their assets are generally worth more in a community that has good schools and they can usually attract better employees and wealthier customers in such communities.

Most of these factors were either overlooked or badly underrated by the three Selectmen who voted to reduce the burden on business at the expense of single family taxpayers. The record clearly shows we should be moving in the other direction.

LEVY YEAR 1993

Residential Factor 98.0727

Tax Bill No Shift	\$4295.00	(250 X 17.18)
Tax Bill Selected RF	4212.50	(250 X 16.85)
Tax Bill MRF	3724.50	(250 X 14.97)

Taxpayer Savings using RF	\$82.50
Taxpayer Savings using MRF	552.50

DOLLARS SHIFTING THE BURDEN

<u>RES. Factor</u>	<u>Dollars shifts to CIP's</u>
100.00%	No Shift
98.7125%	\$255,405
98.0727%*	383,107
97.4303%	510,810
93.5158%	1,277,024
87.1515% MRF	2,554,048

Residential Factor 93.5158

Tax Bill--Selected RF	\$4017.15	(250 X 16.07)
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Tax Savings	\$277.85
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*Residential Factor Chosen

For BOS
12/1/92 FinCom
mtg handout
JD

cc: Bas

ACTON-BOXBOROUGH REGIONAL SCHOOL COMMITTEE

MINUTES

Library
Junior High School

November 5, 1992

Members Present: Donald Wheeler, Steve Aronson, Jean Butler, Rick Sawyer, Mary Anne Vogel, Micki Williams

Also Present: Bill Ryan, Mac Reid, Dan Leclerc, Steve Desy, Fran Leiboff, Joyce Koop, Mary Beth Fincke, Pam Knapp, Joean Doherty, student representatives Colin Brannen, Jason Chautin, Lisa Napoli, Brian Palmer, Jen Johnson, Bill Noeth, citizens and press.

The meeting was called to order at 7:35 p.m. by Donald Wheeler, Chairperson.

Minutes of October 1, 5, and 13, 1992 were approved as written.

Warrant #92-103 in the amount of \$15,529.26, #93-015 in the amount of \$279,185.61, Warrant #93-016 in the amount of \$151,941.52, Warrant #93-017 in the amount of \$13,953.99, Warrant #93-018 in the amount of \$267,791.96 and payroll warrants totaling \$783,706.79 were signed by the chairperson and circulated to other members of the Committee.

PUBLIC PARTICIPATION: None

The student representatives to the School Committee were introduced.

EDUCATION REPORT

Joyce Koop, elementary media coordinator, and Mary Beth Fincke, Junior High librarian, told the Committee about the status of the library automation process. The automation process has begun at Conant School, the Junior High and High School. After a year of intense planning, Jim Chace was able to get the file servers which were donated by DEC. With end-of-the year funds, they were able to buy the necessary software and fund a summer R & D which enabled them to complete Phase I. There is an urgent need for three Hitachi model CD-ROM players. Purchase orders for this equipment are being processed. Mary Beth Fincke said there was good news - the project is doable and bad news - it will take a long time. They will have everything needed to complete Phase II at the Junior High and be up and running by June. The conversion process is going slowly because they have to rely on volunteers for data entry. Not only will the completed project allow for increased accessibility to materials, it will free the librarians up for teaching. Joyce Koop said she did not have funding to complete Phase II and that the figures noted were just for Conant School - the process will have to be repeated for each elementary school. She said she would recommend that if Merriam School reopens, it be fully automated. Don Wheeler encouraged the librarians to look for grants, i.e., the Blanchard Foundation.

Ron Fitzgerald, Superintendent/Director of Minuteman Technical High School, made a presentation to the Committee about the school which is now focusing on different learning styles and technical literacy. They are presently working with a middle school in Lancaster on such a program. They can only do one group of schools per year - hope to work with Concord-Carlisle next year. A new course in environmental technology will be offered at the High School level. Mr. Fitzgerald said that their program "Electromechanical Manufacturing Technology" was selected to receive the U.S. Secretary of Education's award for Outstanding Vocational-Technical Education in their region which is one of ten nationally. The Superintendent said that they have also opened their enrollment to 45 choice students.

Steve Aronson asked if they were still having difficulties in getting their message into some school communities. Mr. Fitzgerald said yes, there were open communities and closed ones; Acton is open.

SUPERINTENDENT'S RECOMMENDATIONS FOR NOVEMBER

It was moved, seconded and unanimously

VOTED: To approve the Operational Objectives for 1992-93.

Steve Aronson said with the work load for this year being so large and the staff smaller than it should be, the administration should keep the Committee informed if there was a need for changes.

VOTED: To approve the calendar for the 1993-94 school year.

VOTED: To approve the 1992-93 Community Education Budget.

VOTED: To approve the following coaching appointments:

Senior High

Rick Kilpatrick	Ass't. Boys' Basketball
Kathy Gallant	Varsity Girls' Basketball
Michelle DeMeo	Ass't. Girls' Gymnastics
Russ Bosbach	Ass't. Indoor Track
Aaron Axelrod	Alpine Ski
Scott Johnstone	Cross Country Ski
Karen Killoy	Co-Advisor - Ice Hockey Cheerleading
Chris Avery	" " "
Bruce Oetinger	Ass't. Hockey Coach
Debbie Sparrow	JV & Varsity Boys' Basketball Cheerleading
Steve Sutherland	JV Ice Hockey (paid by Boosters)

Three additional coaching appointments will be made at the December meeting.

It was also noted that the administration hopes to recommend a trainer in December.

Mac Reid noted that ice hockey was the only sport which has two levels of sport where we are paying for two coaches at the varsity level and parents paying for coaches at the JV level. Rick Sawyer mentioned that men coaches are hired to coach girls' teams but the reverse is not true in terms of role modeling.

VOTED: To approve the following extra-curricular appointments at the Junior High:

Cindy Patton	Cheerleading
Susan Michaels	Ass't. Yearbook
Mark Toporoff	Photographer, Yearbook

VOTED: To approve Joan Fenster's request for a maternity leave of absence starting April 19, 1993 through the end of the school year and a child-rearing leave for the 1993-94 school year in accordance with Articles 6.9 and 6.91 of the Agreement with the AEA.

VOTED: To approve the exchange program for ABRHS students studying French with Saint-Germain-En-Laye, France commencing on February 5, 1993 through February 19, 1993.

VOTED: To accept a set of portable soccer goal posts valued at \$720 from the Acton-Boxborough Soccer Boosters Club.

VOTED: To accept a gift of a JVC VCR and tuner from Digital Equipment Corporation for use in the High School media center.

VOTED: To accept a cash gift of \$1500 (\$850 for the High School, \$650 for the Junior High) from the Friends of the Acton Libraries for the Regional school libraries.

VOTED: To accept a cash gift of \$500 from the United Way of Acton-Boxborough via the Citizens Library of West Acton for support of a community English as a Second Language Class for adults.

VOTED: To reject Co-Generation bids from the following vendors as not being in the best interest of the School District.

Aegis Energy Services, Inc.
Conservation & Energy Technologies Corp.
J.M. Coull, Inc.

Waterbury, CT
North Hampton, NH
Concord, MA

Bill Ryan said the Town approved \$650,000 for a three-component energy project to (1) get rid of oil tanks and convert to gas, (2) upgrade the energy management system and (3) explore the option of co-generation for the main campus. \$200,000 was expended for the removal of tanks and conversion to gas plus the energy management upgrade. The remaining \$450,000 was earmarked for installation of a co-generation system. The conversion to gas went smoothly and the upgrading of the energy management system is well along. Jay Silverston put out bids for procurement of power. During this process, Boston Edison offered an energy conservation program that they have. They hired an engineering company to do a survey and have offered \$270,000 worth of economy measures at no cost to us with an estimated savings of \$17-\$18,000 per year. Aegis Company guaranteed \$12,000 savings; Jay estimated \$20,000 annually, but there were some risks as opposed to the Boston Edison proposal. If we went with co-generation there would be additional engineering and legal costs. It was decided it was in the best interest of the system to go with Boston Edison. Boston Gas has offered a similar project whereby they will hire an engineering firm and come back to us with conservation methods.

Steve Aronson was concerned with justifying to the town that approving the \$650,000 was not a wasted effort, was a wise investment, in fact, was probably a catalyst for the proposals from Boston Edison and Boston Gas. He applauded Bill and his staff for the handling of the process. Don Wheeler said we are being very prudent. Bill said this does not preclude us down the road from looking at other options if the numbers are favorable.

VOTED: To approve an out-of-district rate of \$9,979 for students in the Language/Learning Program at the Junior High School.

FOR YOUR INFORMATION:

Bill Ryan referred to several items:

- There will be no boys' gymnastic team due to lack of participants;
- NEASC letter approving R.J. Grey's Special Project Report;
- An ESL class for adults - Fran Leiboff said there were seven adults involved and there is continued interest for next term. They are trying to get additional funding.

CONCERNS OF THE BOARD:

Steve Aronson said the management report from the auditors appeared to be favorable. He referred to their suggestion that each department submit profit and loss statements. Bill Ryan said we do

not do this nor do we want to do it.

Steve also referred to the weekly memo from the High School which lists a bible study group as a before school activity. Bill Ryan said the courts have been very clear that students do have a right to meet on their own - that it was legally appropriate.

Micki Williams asked if there is a policy for the care of students injured playing sports. Bill said there was no School Committee policy, but there was probably a procedure. Micki said she thought there should be a set procedure and Bill said he would research this issue. Micki also asked if there was a policy on hiring female coaches. She thought this should be done wherever possible all things being equal. Don Wheeler said it would be discriminatory if put in a policy.

Micki had some questions about the proposed Educational Reform Bill - it suggests 2 1/2% of anticipated payroll be used for Professional Development and wondered how much we spend. Bill said nowhere near that amount. The bill also mandates that all systems be regionalized K-12 by 1995 but Bill Ryan said it doesn't spell out how to get there. Mary Anne said she had called Pat Walrath about this and she suggested contacting Mark Roosevelt.

A purchase order has been sent to Ed Moskovitch for a diskette into which we can input our own data and see if we win or lose funds under the proposed bill.

Rick Sawyer asked Bill to prepare a budget for the Search Committee for the December meeting. Don said there was need to formulate what the community involvement will be. He asked the members to think about what it means to them and what models they propose within a December - early January timeframe. He said there was also the question of resumes - Jackie will screen a finite number and will provide the others - there is a need for dialogue regarding this issue.

Steve Aronson referred to the physical layout of the library for School Committee meetings. It was agreed it provided better opportunity for visual eye contact.

WARRANT: There were three questions. Bill said the legal bill is for the period through July/August, 1992. A bill from Silicon Valley was for the purchase of a MAC outlet - CD Rom. Reclassifications all relate to transportation - the way we charge back for any bus trips (athletics, band, etc.) to the appropriate account. As we are reimbursed from the state for Regional transportation the only thing paid out of the transportation account is regular transportation.

NEXT MEETING: Next regular meeting: December 3, 1992, 7:30 p.m., Junior High School Library..

At 9:55 p.m., it was moved, seconded and unanimously

VOITED: To go into executive session to discuss strategies relative to collective bargaining under Chapter 39, Section 23B, paragraph 3. Each member was polled individually and each voted in the affirmative to go into executive session for the stated purpose.

The Committee returned to open session and adjourned at 10:40 p.m.

Respectively submitted

Evelyn I. Smith, Secretary

ACTON-BOXBOROUGH REGIONAL SCHOOL COMMITTEE

Library
Junior High School

December 3, 1992

AGENDA

cc: Bas

- 7:30 I. CALL TO ORDER
- 7:31 II. APPROVAL OF MINUTES OF NOVEMBER 5, 1992 AND STATEMENT OF WARRANT
- 7:35 III. PUBLIC PARTICIPATION
- 7:45 IV. PRESENTATION OF CERTIFICATES OF ACADEMIC EXCELLENCE - Kelly Menser, Daniel Walmsley
- 8:00 V. EDUCATION REPORT -
1. Technology Curriculum Council Report - Jim Chace
2. Report on Standardized Testing - Dan Leclerc
- 8:45 VI. SUPERINTENDENT'S REPORT FOR THE MONTH OF DECEMBER - William Ryan
- RECOMMENDATIONS
1. Recommend Extra-Curricular Appointments
2. Recommend Acceptance of Coaching Resignation
3. Recommend Approval of Home Instruction Proposal
4. Recommend Acceptance of Gift of Art Books
5. Recommend Early Release Days for High School
- 8:55 VII. FOR YOUR INFORMATION
1. High School News
2. Junior High News
3. Letter of Commendation
- 9:00 VIII. WARRANT DISCUSSION
- 9:05 IX. CONCERNS OF THE BOARD
- 9:25 X. NEXT MEETING - January 7, 1993, Library, Junior High School, 7:30 p.m.
- 9:30 XI. EXECUTIVE SESSION
- 10:15 XII. ADJOURNMENT

VOLUNTEER COORDINATING COMMITTEEMinutes of Meeting, 11-09-92 at Town Hall

Present: Whitcomb, George, Kadlec, Powers and Comstock
Absent: Husbands and Lane

The meeting was called to order at 7:30 PM by Nancy Whitcomb. Three people were interviewed:

- 7:30 PM - Donna Whelan is interested in serving on the Commission on Disability. She has experienced access problems, due to her disability, to some of the school buildings attended by her children (particularly the Gates School), and would bring the perspective of a disabled parent to the Commission. She has a very positive view of the work done by the Commission.
- 7:50 PM - David B. Harris Jr. has lived in Acton all his life, and is now employed in Acton as an Intern-Architect. He is interested in serving on the Planning Board, Historic District Commission, or Recreation Commission. He was encouraged to submit his application by Ann Fanton because of his concern about the appearance of the Meinecke building in West Acton. He favors some type of architectural review for all new construction.
- 8:08 PM - Beth C. Richardson is an attorney with both experience and interest in the preservation of historical properties. A new arrival to Acton, she plans to stay a long time and would like to become involved in the Town's volunteer efforts.

Following the interviews :

- The VCC approved the minutes of the 10-26-92 meeting, as corrected.
- The VCC reviewed a news release written by Betsy Comstock regarding the need for volunteers to write grant proposals (as requested by the BOS). This news release will be submitted to the Beacon.
- The VCC voted unanimously to recommend Ray Bintliff as a full member of the Board of Assessors for a term expiring June 1995, (moved by Betsy Comstock and seconded by Jack Powers).
- Nancy Whitcomb reported that Russ Forsyth has decided that his schedule is now too full to serve on a Town board.

- The VCC discussed the status of the applications for the Cable Advisory Committee, and decided to advertise again, after the holidays.
- The next meeting was set for 11-23-92, at 7:30 PM, at Town Hall.
- The VCC voted unanimously to recommend Donna Whalen as a full member of the Commission on Disability for a term expiring June 1995 (moved by Betsy Comstock, seconded by Nancy Whitcomb).
- The VCC voted unanimously to recommend David B. Harris Jr. as an Associate member of the Historical Commission for a term expiring June 1993 (moved by Charlie Kadlec, seconded by Betsy Comstock).
- The VCC voted unanimously to recommend Beth C. Richardson as an Alternate member of the Historic District Commission for a term expiring June 1995 (moved by Jack Powers, seconded by Nancy Whitcomb).

The meeting was adjourned at 9:42 PM.



Charles Kadlec

cc: Town Clerk, BOS



RECEIVED

DATE November 30, 1992

Barbara Brown
for TOWN CLERK, ACTON

MASSACHUSETTS

BOARD OF APPEALS

DEC - 1 1992

DECISION ON THE PETITION BY J.E.DUNPHY, JR.
FOR KATHRYN J. MCCARTHY

Decision #92-17

A public hearing of the Board of Appeals was held in Town Hall, Room 126, Acton, MA on Monday, November 9, 1992 at 7:30 p.m. on the petition of Kathryn J. McCarthy, 457 Great Road, for a Petition for a Variance from the Zoning Bylaw, Section 5, to allow the construction of a single family dwelling in a "limited business district" with less than the required dimensional regulations required by the Bylaw at 11 Harris Street, Acton. The specific variance is to allow a 20 foot street setback and a 30 foot sideyard setback.

Board members present were Matt Mleziva, Chairman; Malcolm Burdine, Clerk; Duncan Wood, Member; Stephen Crockett, Alternate Member; and Valerie Sioppreille, Board of Appeals Secretary. Also present were Garry Rhodes, Building Commissioner; Jack E. Dunphy Jr., Agent for the Petitioner; K. Julie McCarthy, Petitioner; and David Harris.

M Mleziva explained the hearing procedures, read the petition, and noted the contents.

The Board of Appeals, after considering the materials submitted with the petition, together with the information developed at the hearing, finds that:

1) Using the setbacks prescribed by the Zoning Bylaw for the lot in question results in a building envelope shaped like a triangle with a base of approximately 40 feet and a height of approximately 120 feet. This building envelope is also located on a portion of the lot that goes from about 223 feet in elevation at the top of the triangle to about 217 feet of elevation at one corner of the base.

2) The available locations for the primary and reserve septage areas together with the required distance between the dwelling and the septage areas effectively precludes building a dwelling in the triangular building envelope. Ledge and water on the site limit the locations of the septage areas.

3) The petitioner informed the Board that the property in question, together with an adjacent lot on which petitioner's house is located, was subject to imminent foreclosure, with a delay having been granted by the bank to ascertain if the variance(s) would be approved so that a dwelling could be built on the lot in question. According to the petitioner, the lot is under a purchase and sale agreement subject to the necessary variance(s) being approved.

Based upon the above findings, the Board of Appeals concludes that:

1) The triangular shaped building envelope, together with the septage area locations and distance restrictions effectively preclude construction of a building within the requirements of the Zoning Bylaw.

2) The imminent foreclosure by the bank on the lot in question and the adjacent lot with the petitioner's house would involve a substantial hardship to the petitioner.

3) There were no concerns regarding the requested Variances registered by any abutters.

4) We concur with the Planning Board opinion that the variance, restricted as indicated below, will not be in conflict with the Master Plan.

5) Therefore, owing to circumstances relating to the soil conditions, shape and topography of the lot in question and especially affecting such lot but not affecting generally the Zoning district in which it is located, a literal enforcement of the provisions of this Bylaw would involve substantial hardship, financial or otherwise to the Petitioner, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Bylaw.

Based upon the above findings and conclusions, the Board of Appeals voted unanimously to GRANT the following variances:

1) A Variance to the street setback on the Harris Street side, reducing the setback required to 40 feet.

2) A Variance to the western sideyard setback, reducing the setback required to 40 feet.

subject to the following conditions:

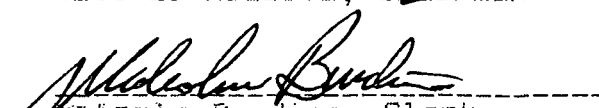
1) The driveway access will be from Harris Street.

2) The Petitioner will install a sidewalk, whose design is approved by the town of Acton, on the Great Road side of the lot in question or provide \$2,000 to the Town of Acton for sidewalk construction.

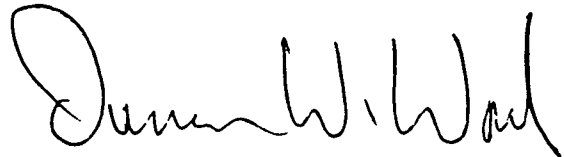
Any person aggrieved by this decision may appeal pursuant to Massachusetts General Laws Chapter 40A, Section 17, within 20 days after this decision is filed with the Acton Town Clerk.

Town of Acton Board of Appeals


Matt L. Mieziva, Chairman

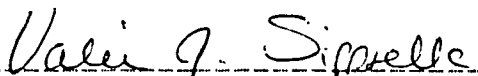

Malcolm Burdine, Clerk

1

 11/21/92

Duncan Wood, Member

I certify that copies of this decision have been filed with the Acton
Town Clerk and Planning Board on October 30, 1992



Valerie Sippelle, Secretary
Board of Appeals

December 2, 1992

TO: Local Officials
FR: Marjorie A. Davis, President

*** REMINDER ***

A meeting of local officials to discuss proposed changes to highway and transit projects in the MAPC region is scheduled for:

**Friday, December 11, 1992
at 9:30 A.M. in the State Transportation Building
2nd Floor Conference Room 2 & 3**

Do not hesitate to call David Soule or Ed Bates at MAPC office if you have any questions. This is a critical meeting. It is important that you attend or send a representative. If you wish to communicate in writing as well, we must receive your comments by 5 p.m. on December 14th to assure consideration by the MAPC Executive Committee on December 16th.



MAPC News

CC1805
December 1992

Metropolitan Area Planning Council 60 Temple Place Boston, MA 02111 (617)451-2770

MPO Transportation Financing Proposal

The Boston Metropolitan Planning Organization met on November 18, 1992 to discuss a proposal to increase the share of federal funds that go to the MBTA. The MPO agreed to a proposal that calls for MHD and the MBTA to increase federal funding to the Old Colony Restoration by \$80 million, prioritize MBTA bridges, dedicate \$120 million of FY 96/97 flexible funds to the MBTA and to work on addressing suburban congestion such as what is present in suburbs west of Boston. MAPC abstained from taking this position due to the lack of community involvement.

MHD and the MBTA are to report on changes required to the TIP to accomplish this action. MAPC has scheduled a meeting of chief elected officials with MHD and the MBTA to discuss the agencies ideas. The meeting will be held Friday, December 11 at 9:30 a.m. at the State Transportation Building 2nd Floor conference room.

Contact: Daniel Fortier

Glass & Metal Waste Bans

The DEP has extended the effective date of the "waste bans" for yard waste and glass and metal containers to April 1, 1993. As of that date, solid waste landfill and incinerator operators must begin random inspections to check for the restricted materials. Loads containing more than minimum amounts may be rejected. If a community has a DEP approved municipal recycling program, its waste will not be subject to inspection. DEP has sent applications for recycling program approval to chief executive officers, boards of health and public works departments. For more information, please call Robin Ingenthron, DEP Recycling Director, at (617) 292-5962.

Three River Joint Services

MAPC met with Three Rivers subregions administrators during November to discuss the possible submission of a Municipal Incentive Grant (MIG) application to study the feasibility of shared inspections services. The group decided to set up an informal network among the administrators which would identify gaps at the local level and lead to possible sharing of inspections personnel. MAPC staff will present a draft MIG South Shore Joint Services application at the next meeting scheduled for December 15.

Contact: Paul DeCoste

Community Bulletin Board

The Community Development Department of the city of Cambridge is reviewing two areas of the zoning ordinance. They would like to have information from other communities as to how these issues are handled. The first area is gas station canopies, specifically in urban areas. The second is home occupations, definitions and regulations. The contact by mail is:

Liza Malenfant
Community Development Department
City of Cambridge
57 Inman Street
Cambridge, MA 02139

or by phone at (617) 349-4600. Liza is very willing to exchange any information they have on these issues as well as zoning and planning issues.

Sharon School Enrollment

Enrollment forecast for the town of Sharon were presented on November 7th to help decide on whether to construct a new school. MAPC's Metropolitan Data Center developed three methods that varied the rate of new development, births and net migration over the next ten years. Our study used widely available data from town and federal censuses input into spreadsheet programs. Call us if your community is looking for assistance in estimating its future need for classrooms.

Contact: Douglas Carnahan

Electric Vehicle Pilot Program

The joint MAPC, MHD, MBTA and MDOER Electric Vehicle Pilot Program is approaching its first set of milestones. On November 12th staff joined the state agencies and staff of the Merrimack Valley Planning Commission in reviewing the proposed use of the Newburyport Park and Ride lot on Interstate 95 as one of three commuter locations for parking vehicles when participants are using high occupancy modes. One of the criteria for participants will be the use of vanpools or public transit for daily commuting. MDOER will also soon be circulating a request for information to gauge the interest of vendors in providing transportation management services. The selected vendor will assist in selecting participants with CARAVAN and MASCO as well as coordinate emergency road services. AAA Auto Club has already stated an interest.

Contact: Daniel Fortier

Affordable Housing & Mixed Use

The town of Wayland is considering a mixed use by-law to allow affordable housing in its commercial district. MAPC has forwarded a packet of related by-laws and some suggested issues for discussion.

Many communities have expressed interest in this type of "concentrated development" strategy to provide affordable housing opportunities for the elderly, young couples, empty-nesters, or others and/or to revitalize downtowns. MAPC would like to be kept informed of similar local initiatives and serve as a center for information exchange. Of special interest are by-laws or other materials which provide guidance on harmoniously blending various uses or which address some of the problems in including affordable housing in a mixed use setting.

Contact: Judith Alland

City Vacancy

There is a city seat vacancy on the Executive Committee that will be filled by an election at the Winter Council meeting. MAPC's Executive Committee plays an important role in shaping plans for the future of the entire region.

Contact: Donna Howard

Hearings Set On Housing Plan

The state has released drafts of the statewide Comprehensive Housing Affordability Strategy (CHAS) FY 1992 Performance Report and FY 1993 Annual Investment Plan and has scheduled hearings to obtain public comments. The plan is important because it establishes investment priorities for the upcoming year for all housing programs. Communities may wish to take this opportunity to comment on the state's procedures and priorities for "HOME" and other programs.

The documents are available for review at MAPC, EOCD, some public libraries, and other locations. The eastern Mass. hearing will take place on Friday, December 11, 1992, at 9:30 a.m. in the McCormack Building, One Ashburton Place, 21st floor, Boston. Written comments must be received at EOCD (100 Cambridge St., Rm. 1804, Boston, MA 02202) by 5:00 p.m. on December 17, 1992. If you want your comments and issues submitted as part of a regional packet, please notify MAPC early in December.

Contact: Judith Alland

MetroGreen Focus Group

How to implement MetroGreen will be the subject of a focus group MAPC will be hosting in Wellesley on December 9. The focus group will bring together representatives from federal and state agencies and non-profit land protection organizations. At this meeting, MAPC will initiate a dialogue with these groups concerning how best to organize to carry out the goals and objectives of MetroGreen. MAPC believes that other agencies and groups have a vital role to play in implementing this component of MetroPlan 2000.
Contact: Joan Blaustein

Wilmington RFP

The town of Wilmington is soliciting proposals for a land use corridor redevelopment study for Route 38 funded through the Strategic Planning Program. Consultants should have experience in land use and economic development planning. Proposal deadline is mid December. The Request for Proposal is available from the Planning Department, Town Hall, 121 Glen Road, Wilmington, MA 01887, (508) 658-8238.

Let's Hear It For The Bays

The Massachusetts Bays Program is holding a contest to find a creative slogan to promote the protection of Massachusetts and Cape Cod bays! The program invites the public to create witty, innovative taglines to promote the richness of the bays resource and the importance of supporting the program's water quality protection efforts. Slogans should be submitted to Susan Schneider, Massachusetts Bays Program, 100 Cambridge Street, Room 2006, Boston, MA 02202, by December 23, 1992. The winning slogan will be announced in early 1993 and the winner will receive a whale-watch trip for two from Bay State Cruise Company. For more information, please call 1-800-447-BAYS. **Sea Mass Bays - It's Yours**.

Environmental Reviews

MAPC recently reviewed and distributed the following environmental reviews:

Boston/Dana Bldg. 5th Floor-Pedi Clinic
Boston/B.U. School of Management
Topsfield/Parkway Christian Center
Peabody/Wendy's Restaurant
Malden/Star Market Plus
Concord-Lincoln/Route 2 Signal Upgrade Project
Canton/Dunkin Donuts
Norfolk/Land Transfer
Lynn/Fast Food Restaurant
Walpole/Proposed Retail Development
Framingham/Bose Corp. Headquarters Expansion
Chelsea/Parking Garage
Contact: Kent Stasiowski

Proposed Changes to Title 5

The DEP Division of Water Pollution Control is conducting informational meetings to discuss the anticipated changes to Title 5, the State Sanitary Code. Sessions will be held on December 1 at Gordon College, Hamilton December 3 at Holy Cross College Worcester and December 14 in Bridgewater State College. All meetings are from 7:00 to 9:00 p.m. For more information call John Viveiros of DEP at (617) 292-5837.

Wellhead Protection Manual

The DEP Division of Water Supply has just published a Wellhead Protection Manual for community water supplies. The manual outlines the steps involved in developing a local wellhead protection program. For more information and a copy of the manual, please call Joan Pierce of DEP at (617) 556-1106.

Mark Your Calendar

Plans are underway for the Winter Council Meeting scheduled for Wednesday, February 24, 1993. Stay tuned for further details.
Contact: Donna Howard

MAGIC to Meet With Legislators

The MAGIC subregion has invited its legislators — both state and federal — to its December 10 meeting. The purpose of the meeting is to meet the lawmakers, to acquaint them with MAGIC and its purposes, and to explore ways to work together to achieve shared goals. The meeting will take place at Maynard Town Hall at 7:30 p.m.
Contact: Judith Alland

According to "AAA World"

"In 1990, Massachusetts had the seventh most traveled roads in the nation based on the amount of travel and number of road miles ... fourth on the list of structurally deficient bridges with 57% ... and 75% of the state's roads were rated as fair or poor".

Functional Classification Update

MAPC is preparing to endorse amendments to the region's roadway functional classifications in December as required by the Intermodal Surface Transportation Efficiency Act (ISTEA). MAPC distributed a list of draft changes on October 23, 1992 for city and town review. This comment period ended on November 13th. In the final tally urban principal arterials will comprise 9.99% of the urban road mileage, meeting the FHWA directive to not exceed 10%.
Contact: Daniel Fortier

CDC Meeting

The MAPC Concentrated Development Centers (CDC) committee normally meets during the day at MAPC. However, the committee thinks that it is important to occasionally meet directly with the communities that are proposing centers in order to ensure that the process works as smoothly as possible and that both parties fully understand each others needs and aspirations.

The next meeting is December 10, 1992, beginning at 7:30 p.m. and will be at the Natick Town Hall. The meeting is open to the public.
Contact: Kent Stasiowski

State Highway Department District Boundaries Change

In October the Massachusetts Highway Department consolidated its district offices. This action reduced the number of district offices from eight to five. The reorganization means a number of changes in the MAPC area as communities in the region used to be served by six districts and are now served by three. Maps of the new district boundaries are available from MAPC.
Contact: Daniel Fortier

December Calendar

1	9:00 a.m.	MetroPlan Committee Legislative Committee
4	10:00 a.m.	MPO Liaison
	12:00 a.m.	Officers
8	8:00 a.m.	NSPC, Winchester
	12:00a.m.	Finance Committee
9	10:00 a.m.	Inner Core
	4:00 p.m.	TRIC
10	8:30 a.m.	NSTF, Swampscott
	7:00 p.m.	CDC Committee, Natick
	7:30 p.m.	MAGIC, Maynard
11	9:30 a.m.	Local Officials, TIP Meeting Transp. Bldg.
15	8:30 a.m.	TRIC Administrators
16	9:00 a.m.	Executive Committee
	3:30 p.m.	JRTC
17	3:00 p.m.	SWAP
	7:30 p.m.	SSC

Please call ahead to confirm time and date.

D'AGOSTINE, LEVINE & GORDON, P.C.

ATTORNEYS AT LAW

308 MAIN STREET

ACTON, MASSACHUSETTS 01720-2223

508-263-7777

FAX 508 263 4868

JULIAN J. D'AGOSTINE
LOUIS N. LEVINE
STANLEY L. GORDON
F. ALEX FARRA
CATHY S. NETBURN

DEC - 3 1992

BOSTON OFFICE
ONE BOSTON PLACE

CABLE "DALYN"

December 1, 1992

cc: BOS

VIA FAX - 617-227-4420

Acheson H. Callaghan, Jr., Esquire
Palmer & Dodge
One Beacon Street
Boston, Massachusetts 02108

Re: The Co-Operative Bank of Concord vs. Andrew Sheehan, et als,
As They Are the Members of and Constitute the Conservation
Commission of the Town of Acton, Middlesex County,
Massachusetts - Middlesex Superior Court Civil Action No.
91-8096

Dear Mike:

It is my understanding that the above matter is on the
Conservation Commission's agenda at its meeting this Wednesday,
December 2, 1992. It is my further understanding that the
Conservation Commission more than likely will go to executive
session when this matter comes up.

It is more than a month since the Conservation Commission
voted to deny the permit under the local wetlands bylaw, which
denial was based on the Commission's last minute conjecture as to
the suitability of the front of the lot to support a septic system.
Although the Bank had insufficient time to rebut this last minute
conjecture prior to the Commission's vote, subsequent to the
Commission's vote, soils testing has established that the front of
the lot is not suitable for the installation of the septic system.

As requested in my letter to you of November 10, 1992, if the
Conservation Commission was, in fact, dealing in good faith prior
to its last minute inquiry into septic suitability, it should
voluntarily reconsider its denial. As the Conservation Commission
has taken no action on this matter subsequent to its October 28,
1992, vote and my letter of November 10, 1992 (also see my letter
of November 16, 1992), on behalf of The Co-Operative Bank of
Concord it is requested that the Conservation Commission at this
week's meeting reconsider its denial, permit representatives of The
Co-Operative Bank of Concord to submit and describe the soils
testing, and the Commission, thereafter, rescind its denial and
vote to approve the permit.

D'AGOSTINE, LEVINE & GORDON, P.C.

Page 2

Acheson H. Callaghan, Jr., Esquire
Palmer & Dodge
December 1, 1992

Kindly advise as to what the Conservation Commission's intentions are.

Very truly yours,

D'AGOSTINE, LEVINE & GORDON, P.C.

By: Louis N. Levine (V)
Louis N. Levine

LNL/vv

cc: The Co-Operative Bank of Concord - via fax no. 635-5052

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TOWN OF ACTON POLICE DEPARTMENT
INTER-DEPARTMENTAL COMMUNICATION

TO: Chief George Robinson
FROM: Todd Fenniman Y.O.
SUBJ: Annual Babysitting Seminar

DATE: December 2, 1992
TIME: 10:26 AM

**Town Manager
Information**

DEC - 3 1992

Last evening, December 1, 1992, the Police Department's Annual Babysitting Seminar was concluded. 56 sixth grade students received diplomas after four nights of instruction in babysitting safety, fire safety, care and feeding of infants, and babysitting ethics. The seminar was conducted in three rooms at the Acton Boxborough Regional High School for four consecutive Tuesday evenings. Graduating students completed a short exam in the last class as a review. The majority of students scored 90% and higher. A survey was also conducted of attending students. Most seemed to express their enthusiasm and approval of the seminar and their willingness to encourage others to attend in upcoming years. An example of a completed student survey is attached to this memo.

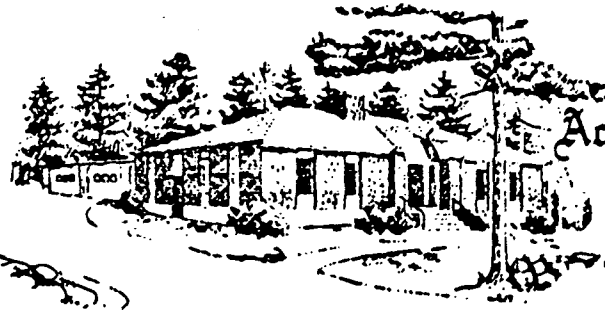
The Annual Babysitting Seminar is organized and logistically planned each year by the Juvenile/Youth Unit of this department. Instructors volunteer their time to instruct students in specialty areas. Firefighter/EMT Robert Vanderhoof taught four nights of fire safety and June Werner, a registered nurse from Acton, also instructed four nights of care and feeding of infants. Patrolmen Stewart Fenniman and Donald Palma also taught one night of babysitting safety. The other three nights were taught by this officer.

The seminar is offered free of charge each year to all sixth grade students and as typical of past years, was an overwhelming success. The community expresses its appreciation of the seminar each year and numerous calls are received as to when the next one will be offered. It is a pleasure to be involved in programs which benefit the youth of this community and to further the professionalism of the students who offer babysitting services in Acton. From the responses we observed in our survey, this goal is being accomplished.

CC: BOS



George W. Robinson
Chief of Police



Acton Police Department

P. O. Box 212

Acton, Massachusetts 01720

Telephone 263-2911

Thank you for attending the Acton Police and Fire Department's Annual Babysitting Seminar. Please take a few minutes and fill out the survey below. It is not necessary to put your name on the paper.

1. How would you rate this seminar? (circle one)

Excellent

Good

Fair

Poor

2. What was your favorite part of the seminar?

Police Safety

Fire Safety

Care of Infants

Other

All of them!

3. Did you learn something new from this seminar?

Yes. A Lot.

Do you think this seminar is worthwhile?

Definitely

5. What would you do to improve the seminar?

Nothing

6. Would you add any information that was not given? If so, what?

No

7. Would you recommend others to take the seminar?

Yes!

8. Any other comments or suggestions you may have to improve this seminar for next year, please include them here:

I would just like to comment that I think it's wonderful that the policeman, fireman and Infant care Nurse, volunteered to do this. I had a terrific time!